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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4992/2025

SAHIDUR RAHMAN AND ORS
S/O- LATE ABDUL GAFFAR, R/O- PABROCHARA , DHUBRI, ASSAM, PIN-783335

2: ABDUL JALIL AHMED
S/O- NASIR UDDIN

R/O- DALANER ALGA NO-2
P.O- MAKRIJHORA
P.S- GAURIPUR
DHUBRI
ASSAM
PIN-783349

3: YEAKUB ALI SHEIKH
S/O- LATE ABDUL KAIYUM
R/O- WARD NO-14
I.G ROAD
AMCO ROAD
AIRONJANGLA
DHUBRI
ASSAM
PIN-78332

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, DEPARTMENT OF SCHOOL EDUCATION
DISPUR, GUWAHATI- 06. ASSAM

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA

GUWAHATI-19

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER

DHUBRI

DISTRICT- DHUBRI
ASSA

Advocate for the Petitioner : MR S BORTHAKUR, MR SAURADEEP DEY

Advocate for the Respondent : SC, ELEM. EDU,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

09.10.2026

Heard Mr. S Dey, learned counsel for the petitioners. Also heard Mr. B Talukdar, learned Standing Counsel Elementary Education.

2. This writ petition has been filed by the petitioners challenging the order dated 30.01.2021, issued by the Director of Elementary Education, appointing the petitioners as Tutors, with a further prayer for accommodating them as Teachers, w.e.f. 01.11.2020, along with all consequential reliefs.

3. The learned Counsel for the petitioners submits that the petitioners were initially appointed as Assistant Teachers in the year 1996 to 2001 in various Government Schools of Dhubri district of Assam and after payment of salaries for few months, their salaries were stopped, as the petitioners along with many others were found to have been appointed against excess posts. But, the petitioners were never discharged from their services. Thereafter, by a series of orders, dated 30.01.2021, the petitioners were accommodated as Tutors, as per provisions of the Assam Education (Provincialisation of Services of Teachers and Reorganization of Educational Institutions) Act, 2017 (Act of 2017 hereinafter).

Being aggrieved by such regularization as Tutors, instead of Teachers, they had approached this Court on the ground that their services could not have been accommodated as per provisions of the Act of 2017, because the said Act provides for provincialisation of services of teachers of venture educational institutions, whereas, the petitioners had been serving at Government Schools. Moreover, they have possessed all the necessary qualifications for appointment as teachers and therefore, they ought not to have been accommodated as Tutors, instead, they should have been accommodated as Teachers. Under such circumstances, the petitioners have approached this Court by filing the present petition and that there are sufficient merits in these petitions and therefore, the learned counsel for the petitioner has contended to allow these petition.

4. The learned Standing Counsel for the Elementary Education Department, submits that in pursuance to the decision taken in a Review Meeting held on 17.07.2022, requiring preparation of a Cabinet Memorandum for upgradation of those Tutors under the illegal/irregular category, who had training Certificates, but were kept in the category of Tutors, inadvertently, during the last exercise, instead of Teachers, a proposal for upgradation of the services of the petitioners has already been submitted by the Director of Elementary Education, Assam to the Secretary to the Government of Assam, Education (Elementary) Department, vide communication dated 03.08.2022, after verifying their service particulars, including their D.El.Ed. Certificates.

5. The learned Counsel for the petitioners submits that since the process has already been initiated by the respondent authorities for up-gradation of Tutors to Teachers, including the name of the petitioners herein, this writ petition may be disposed of by directing the respondent authorities to complete the entire process within a definite time frame.

6. At this stage, the learned standing Counsel for the Elementary Education Department submits that she has no objection in the event of disposing of this petition by directing the respondent authorities to complete the entire process in a time bound manner. However, the learned Standing Counsel, Elementary Education submits that the respondent authorities may be granted six months time to complete the same.

7. Accordingly, without adjudicating individual claims of the petitioners on merit, this Court is inclined to dispose of this petition, as agreed upon by learned counsel for both the parties, by directing the respondent authorities to complete the entire process of upgradation of the petitioners from Tutors to Teachers, within a period of 4 (four) months from the date of receipt of the certified copy of this order.

8. The petitioners shall obtain a certified copy of this order and place the same before the respondent authorities within a period of 1 (one) week from today.

9. With the above observations and directions, the present writ petition stands disposed of

JUDGE

Comparing Assistant