

GAHC010236722023



2026:GAU-AS:1444

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

Case No. : WP(C)/6160/2023

RANGJALI BASUMATARY @ RANGJALI MUSHAHARY
W/O LABENDRA MUSHAHARY R/O VILL. NIZLAGURI P.O. SHANTIPUR P.S
RUNIKATA PIN 783375 DIST. CHIRANG ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP BY THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM SOCIAL
JUSTICE AND EMPOWERMENT DEPTT. ASSAM SACHIVALAYA DISPUR
GUWAHATI 6

2:DEPUTY SECRETARY
TO THE GOVT OF ASSAM SOCIAL JUSTICE AND EMPOWERMENT DEPTT
ASSAM SACHIVALAYA DISPUR GUWAHATI 781006

3:THE DIRECTOR OF SOCIAL JUSTICE AND EMPOWERMENT
LAKHI MANDIR SAURABH NAGAR BELTOLA TINIALI GUWAHATI 781028
ASSAM

4:PRINCIPAL SECRETARY
TO THE GOVT OF ASSAM ELEMENTARY EDUCATION DEPTT. ASSAM
SACHIVALAYA DISPUR GUWAHATI 781006

5:JOINT SECRETARY
TO THE GOVT OF ASSAM ELEMENTARY EDUCATION DEPTT. ASSAM
SACHIVALAYA DISPUR GUWAHATI 781006

6:THE DIRECTOR OF ELEMENTARY
EDUCATION ASSAM KAHILIPARA GUWAHATI 78101

Advocate for the Petitioner : MR B M DEKA, MS D MAHANTA,MR P R SARMA,MR
R.AHMED

Advocate for the Respondent : SC, SOCIAL JUSTICE AND EMPOWERMENT, MS. S
CHUTIA,SC, ELEM. EDU

BEFORE
HON'BLE MR. JUSTICE RAJESH MAZUMDAR
ORDER

04.02.2026

Heard Ms D Bora, learned counsel appearing on behalf of Mr B M Deka, learned counsel for the petitioner. Also heard Mr B Talukdar, learned Standing Counsel, appearing on behalf of the Elementary Education Department, and Ms Tinlung, learned counsel appearing on behalf of Mr R M Das, learned counsel appearing for Social Justice Department.

2. The learned counsel for the petitioner has submitted that the petitioner is a person suffering from the benchmark disability, as defined in Section 2 of the Rights of Persons with Disabilities Act, 2016, and is Orthopaedically Handicap with 45% Disability. The petitioner also belongs to the Scheduled Tribes (Plain) Community, which is entitled to the benefits of Reservation of Posts in State sponsored vacancies.

3. By referring to the call letter calling the petitioner for interview by the District Level Selection Committee, constituted for recruitment of persons with disabilities for an oral interview, which was issued on 2nd of September, 2025, for filling up backlog vacancies in Grade-III and Grade-IV posts, the petitioner had responded to the said advertisement and participated in the selection process.

4. The learned counsel for the petitioner submits that there is no dispute to the aforesaid fact. The interview was conducted on 15.09.2005. The petitioner, thereafter, along with some other candidates, had preferred WP(C) No. 1424/2011, which came to be disposed of on 23.04.2015, wherein, this Court had directed as follows:-

“Keeping in view the mandate of the Persons with Disabilities Act, all the concerned administrative departments shall cooperate with the Social Welfare

Department in ensuring that petitioners are suitably accommodated against the indentified posts in the respective departments. The Social Welfare Department being the nodal department shall verify the position of the petitioners vis a vis the selection process and proceed with their appointment in terms of their position.

Let the above exercise be carried out within a period of 4 (four) months from the date of receipt of a certified copy of this order.

Both the writ petitions are accordingly allowed. No cost.”

5. When the appointment process regarding the petitioner had not materialized, the petitioner has filed the present writ petition, praying for appropriate directions.
6. The learned counsel for the petitioner has referred to the communication dated 13th of September, 2019, available as Annexure-7 to the writ petition to submit that the contents of the aforesaid letter were probably the reason for the delay in affording an appointment to the petitioner although she was a selected candidate. The letter dated 13.09.2019, reflects that the Deputy Secretary to the Government of Assam, Social Welfare Department, Dispur, had informed the Joint Secretary to the Government of Assam, Elementary Education Department, that the name of the petitioner was not found in the list prepared by the Director of Social Welfare and countersigned by the Joint Secretary to the Government of Assam, Elementary Education Department.
7. The learned counsel for the petitioner submits that once the petitioner has participated in selection process and had not been rejected in the same a right accrued in her favour to be considered and offered appointment to a Grade-IV post as may be available in the relevant Department.
8. The affidavit-in-opposition filed by the Secretary to the Government of Assam, who was arrayed as respondent No. 4, has stated as follows:-

“Subsequently, the Department of Social Justice & Empowerment, vide letter under Memo No. E-533644/91 dated 13.11.2025 confirmed that Smti

Rangjali Basumatary is one of the 100 eligible petitioners covered under the writ petitions being WP(C) No. 1424/2011, WP(C) No. 3994/2011 and linked to WP(C) No. 6160/2023.

Accordingly, the office of the answering deponent vide letter under Memo No. E-555807/385 dated 25.11.2025, directed the Director of Elementary Education, Assam, to furnish the vacancy position to the office of the answering deponent at the earliest, in order to take necessary steps.”

9. The learned counsel for the petitioner submits that in view of the admission made by the respondent Department, the petitioner has been confirmed to be one of the 100 eligible petitioners, covered by the orders passed in WP(C) No. 1424/2011 and other connected writ petition. She further submits that since the Government in the Elementary Education Department (now, the Department of School Education) has already directed the Director of Elementary Education, Assam, to furnish a vacancy position to the Government at the earliest. The case of the petitioner is undeniably required to be considered in the positive and appropriate directions may be issued to the respondent authorities to offer immediate appointment to the petitioner.

10. Mr B Talukdar, learned Standing Counsel, appearing on behalf of the Elementary Education Department, has submitted that the contents of the affidavit reveal the factual position and today, he has also produced an instruction, showing the total number of existing vacancies in Bongaigaon district to be 7 (seven). The instruction reflects that these posts do not include posts already approved by SIU though yet to be filled up. The instruction also reflects that the 7 (seven) posts are non-planned posts, with the duties and functions of an office peon, and are essential to be filled up by direct recruitment.

11. We have heard the learned counsel for the parties and we have perused the records made available through the writ petition and the affidavit-in-opposition and also the instructions placed before us, which is retained in the record by marking the same as –‘X’.

12. Since there is no dispute for the present that the petitioner was one of the candidates, who was required to be appointed on the ground of physical disability and who also belongs to the SC category, and also keeping in view the fact that there are presently vacancies available for appointing the petitioner, this Court directs the concerned authorities in the Education Department, more specifically the respondent Nos. 6 and 1, to take up immediate steps to finalize the appointment of the petitioner.

13. The process of appointment of the petitioner, including achieving approvals from any concerned Departments, shall invariably be completed within **10th of April, 2026**. The respondent No. 1 shall file a compliance report in the matter before the Registry of the Court in connection with this writ petition, on or before the **24th of April, 2026**. In case, the compliance report is filed, as directed, no further action on this present writ petition is required to be taken, however, if the compliance report is not brought on record by the aforesaid date, the Registry would re-list this matter again on **30th of April, 2026**.

13. Writ petition is disposed of.

14. The petitioner shall supply a certified copy of this order to the office of the respondent Nos. 1 and 6, within a period of 1 (one) week from today.

JUDGE6

Comparing Assistant