GAHC010245742026

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

Case No. : I.A.(Civil)/3893/2026

MD ROFIQUL ISLAM
SON OF LATE NUTUP ALI, RESIDENT OF BALIDUNGA, P.O. BURAGAON, DISTRICT-MORIGAON, PIN CODE-782121, ASSAM.

VERSUS

THE STATE OF ASSAM AND ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, EDUCATION ELEMENTARY DEPARTMENT, DISPUR GUWAHATI.

2:DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019.

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
MORIGAON-782105
ASSAM

4:BAHARUDDIN AHMED
HEADMASTER
AUTOLABORI M.E. SCHOOL
BLOCK-LAHARIGHAT
P.O. LAHARIGHAT-782127
DISTRICT-MORIGAON
ASSAM

Advocate for the Petitioner : MR G BORDOLOI,

Advocate for the Respondent : SC, ELEM. EDU,

BEFORE
HON'BLE MRS. JUSTICE SHAMIMA JAHAN
ORDER

06.11.2026

Heard Mr A Deka, learned counsel for the petitioner and Mr A Phukan, learned Standing Counsel for the Elementary Education Department.

2. By this interlocutory application, the petitioner has prayed for a stay of the impugned order dated 05.09.2026, passed by the respondent authorities, by which respondent No. 4 was directed to take over the charge as Headmaster of Autolabori M E School.

3. The case of the petitioner is that the petitioner has joined in the said school on 12.03.1986 and he has been working in the said school since then. The petitioner further states that the service of the petitioner was provincialized w.e.f.. 01.01.2013, pursuant to the order dated 13.02.2014. The petitioner also states that he has the requisite qualification for promotion which is based on seniority-cum-merit to the post of Headmaster of the said school. The further case of the petitioner that by order dated 06.03.2024, the respondent authorities appointed the petitioner as the In-Charge Headmaster of the said school as he was the seniormost teacher of the school after retirement of the earlier Headmaster, and the petitioner had joined as In-charge Headmaster since 06.03.2024. The petitioner, thereafter, states that while he was discharging his duties as In-charge Headmaster, the respondent authorities issued an order dated 05.09.2026, appointing respondent No. 4 as the Headmaster of the said school on promotion and aggrieved by the said order, the petitioner has filed the instant writ petition. It is also stated by the petitioner that the respondent No.4 had joined in the post of Headmaster of the school on 08.09.2026. He, however, submits that he was the seniormost teacher in the school and as such, he was permitted to man the post of In-charge Headmaster of the said school, but he was not appointed as the regular

Headmaster of the school and the respondent No. 4 was appointed in his place.

4. The learned counsel for the petitioner submits that the only ground for not considering the case of the petitioner for appointment as a regular Headmaster of the school is that he had not completed 10 years' of continuous service as the Assistant Teacher. He, however, submits that the authorities had not taken into account the period of service that the petitioner had rendered before his services were provincialized and according to him, that period is required to be counted towards seniority, and as such, he submits that the petitioner has the minimum requirement of 10 years of service as Assistant Teacher, for his promotion to the post of Headmaster and the same was not considered by the competent authority. It is also seen that although the respondent No. 4 has also completed 10 years of service as Assistant Teacher, but then, he is junior to the petitioner and the criteria for promotion to the post of Headmaster is seniority-cum-merit and as such, the petitioner is eligible for the said post. In that view of the matter, this Court, therefore, directs that since the respondent No. 4 has already joined as the Headmaster of the said School, his appointment is made subject to the outcome of the connected writ petition.

5. This Interlocutory Application is, as such, disposed of.

JUDGE

Comparing Assistant