Heard Dr. B Ahmed, learned counsel for the applicants and Ms. K Devi, learned counsel for the opposite party No. 5/writ petitioner.

This application has been filed by the applicants for impleadment as respondents in the related WP(C) No. 1948/2016.

WP(C) No. 1948/2016 has been filed by opposite party No. 5 as the writ petitione r seeking a direction to the respondents, more particularly the school authorities of Bamundi High School in the district of Kamrup (Rural) to give effect to he r transfer order dated 09.11.2015.

Opposite party No. 5 was serving as Assistant teacher of Tokradia Sanpara High S chool. By order dated 09.11.2015 issued by the Director of Secondary Education, Assam, she has been transferred to in the same grade and scale of pay and posted at Bamundi High School against existing vacant post. Order dated 09.11.2015 cla rifies that opposite party No. 5 would have no claim to seniority over the exist ing staff of Bamundi High School.

With the grievance that Headmaster of Bamundi High School was not allowing opposite party No. 5 to join her post on transfer, present writ petition has been filed.

This Court by order dated 30.03.2016 while issuing notice, passed an interim dir ection to the Headmaster of Bamundi High School not to obstruct opposite party N o. 5 from joining and discharging her duty in Bamundi High School in terms of tr ansfer order dated 09.11.2015.

Applicants were appointed as contractual teachers in Bamundi High School. According to Dr. B Ahmed, learned counsel for the applicants, date of appointment of the applicants as contractual teachers is prior to the date of provincialisation of service of opposite party No. 5, whose service was provincialised in terms of the Assam Venture Educational Institutions (Provincialisation of Services) Act, 2011. He further submits that the State has taken a decision to regularize services of such contractual teachers and in this connection Headmaster of Bamundi High School has forwarded the particulars of the three applicants to the higher a uthorities for regularization. If opposite party No. 5 is allowed to join in the Bamundi High School on the basis of her transfer order, it would adversely effect the prospect of regularization of service of the applicants. Therefore, applicants are necessary party to the proceeding in WP(C) No. 1948/2016.

Such submission of Dr. B Ahmed, learned counsel for the applicants has been objected to by Ms. K Devi, learned counsel for the opposite party No. 5/writ petitioner.

Submissions made has been considered.

Subject matter of the writ petition, i.e. WP(C) No. 1948/2016 is implementation of transfer order dated 09.11.2015. In so far applicants are concerned, document s placed on records would go to show that they were engaged by the Headmaster of Bamundi High School as Assistant teacher on contractual basis vide order dated 10.06.2010 for the period upto 31.03.2011. In this connection, an agreement was entered into between the applicants and the school managing committee of Bamundi High School. Since such contractual appointment of applicants is not the subjec t matter either in the writ petition or in this interlocutory application, Court would refrain from expressing opinion regarding the contractual appointment mad e in favour of the applicants. However, what is evident is that there is no exte nsion order extending contractual service of the applicants beyond 31.03.2011. C ontention of Dr. B Ahmed that in the event opposite party No. 5 joins the school on transfer it would adversely effect seniority of the applicants is wholly unt enable and is liable to be rejected. As on date, on the basis of documents on re cord, it cannot be said that applicants are in contractual service in the Bamund i High School. There is also nothing on record to indicate any policy decision t aken by the State for regularization of service of contractual teachers. Apprehe nsion of loss of seniority is misconceived inasmuch as inter-se seniority is det ermined amongst persons belonging to the same grade. As on date, not to speak of applicants being on the same grade as that of opposite party No. 5, they are no t even in regular service. Therefore, raising of objection by the applicants reg arding transfer of opposite party No. 5 to Bamundi High School is untenable. Dec ision on WP(C) No. 1948/2016 is possible without the presence of the applicants. Consequently, Court is of the view that applicants are neither necessary party nor proper party to the proceeding in WP(C) No. 1948/2016. Interlocutory application stands dismissed.