

GAHC010027962024



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

Case No. : WA/45/2024

MRIGEN KALITA AND 62 ORS
SON OF KASHIRAM KALITA, RESIDENT OF SIMALABARI, BAKSA, ASSAM-
789344

2: SUNIL DAS
SON OF KESHAB DAS
RESIDENT OF BANGAON
NALBARI
ASSAM-781369

3: GOUTAM ROY
SON OF AMULYA ROY
RESIDENT OF AZARBARI
HOJAI
ASSAM-782442

4: SAHJAHAAN ALI
SON OF ABU BAKKAR SIDDIQE
RESIDENT OF MOWMARI
DARANG
ASSAM-784115

5: PAHARI NARAH
SON OF MANOJ GOGOI
RESIDENT OF NAGABATH
JORHAT
ASSAM-785631

6: RINKU MANI ROY
SON OF NABIN KUMAR ROY
RESIDENT OF BAMUNDI
BARPETA
ASSAM-781311

7: LIZA BORBORA
DAUGHTER OF PRANAB JYOTI SHARMA
RESIDENT OF CHINATULI
GOLAGHAT
ASSAM-785621

8: MADHUMITA SARKAR
DAUGHTER OF DIPRAJ DHAR
RESIDENT OF BIJNI
CHIRANG
ASSAM-783390

9: SITARAM PEGU
SON OF LAKHIDHAR PEGU
RESIDENT OF MERCHAPARI
DHEMAJI
ASSAM-783348

10: DALIM KUMAR NATH
SON OF BISADU RAM NATH
RESIDENT OF SURJAKHATA
DHUBURI
ASSAM-787110

11: CHANDANA CHOUDHURY
DAUGHTER OF UMACHARAN CHOUDHURY
RESIDENT OF BIJNI
CHIRANG
ASSAM-783390

12: CHURAMONY BORI
SON OF SANATANBORI
RESIDENT OF SECHU DIGHOLI
DHEMAJI
ASSAM-787110

13: LEENA DAS
DAUGHTER OF BABUL KUMAR DAS
RESIDENT OF BORIMAKHA
BAKSA
ASSAM-781333

14: PALLABI NATH
DAUGHTER OF BINAY NATH
RESIDENT OF MAHTALI
DARANG
ASSAM-784148

15: KANKANA BORAH
DAUGHTER OF PRABHAT BORAH
RESIDENT OF DIPOTA
SONITPUR
ASSAM-784150

16: SAMIMA BEGUM
DAUGHTER OF MOHIBUL HUSSAIN
RESIDENT OF BADULIPAR
GOLAGHAT
ASSAM-785611

17: KHIRODA DAS
SON OF KHARGESWAR DAS
RESIDENT OF CHINADI
BARPETA
ASSAM-781312

18: MOINUL HAQUE CHOUDHARY
SON OF JAINAL ABDIN
RESIDENT OF RAJAHOWLI
DARANG
ASSAM-784190

19: KALPANA PACHANI
DAUGHTER OF PURNA KANTA NEOG
AMTOLA
LAKHIMPUR
ASSAM-787052

20: KUMARI ARCHANA
DAUGHTER OF PAWAN KUMAR RAM
RESIDENT OF LAMBAPATHAR
WESTKARBIANGL
ASSAM-782448

21: DHARITRI DAS
DAUGHTER OF SANJAY DAS
RESIDENT OF BHOLABARI
UDALGURI
ASSAM-784525

22: GOLAP SAIKIA
SON OF BALU SAIKIA
RESIDENT OF MADARGURI
DHEMAJI
ASSAM-787057

23: BENUDHAR KALITA
SON OF PADMA KALITA
RESIDENT OF DHUNAGURI
DHEMAJI
ASSAM-787110

24: ANCHUMWI DAIMARY
SON OF DIMBESWAR BORO
RESIDENT OF MAHALIAJHAR
UDALGURI
ASSAM-784190

25: BIPLAB KUMAR BARMAN
SON OF NIRENDRA NATH BARMAN
RESIDENT OF KISMATHASDAHA
DHUBRI
ASSAM-783334

26: MOUSUMI SAIKIA
DAUGHTER OF SUNIL SAIKIA
RESIDENT OF BHEHPARA
DHEMAJI
ASSAM-787057

27: FOKRUL ISLAM
SON OF MUKTAR ALI AHMED
RESIDENT OF BALAIPATHAR
BARPETA
ASSAM-781319

28: SHAMSUL ALAM
SON OF ABDUS SATTAR
RESIDENT OF GUNAILAL GURI
BARPETA
ASSAM-781319

29: NIPENDRA CHANDRA SEAL
SON OF NAGENDRA CHANDRA SEAL
RESIDENT OF PURANDIARA
S S MANKACHAR
ASSAM-783135

30: MIAR UDDIN AHMED
SON OF HAZRAT ALI
RESIDENT OF TENGNERBHITA
KOKRAJHAR
ASSAM-783337

31: MANJIT KURMI
SON OF GUNARAM KURMI
RESIDENT OF SORULANGTHA
GOLAGHAT
ASSAM-785602

32: JYOGA PRASAD DAHAL
SON OF GANGA PRASAD DAHAL
RESIDENT OF SIMLAGURI
LAKHIMPUR
ASSAM-784165

33: RASIDUL ISLAM
SON OF AMINUL ISLAM
RESIDENT OF JHAGRARCHAR S S MANKACHAR
ASSAM-783131

34: HASIM ALI SHEIKH
SON OF KAZIM UDDIN
RESIDENT OF TUNMIGAON S S MANKACHAR
ASSAM-783127

35: DHRUBAJIT DAS
SON OF GAJEN DAS PAKHAMARA
RESIDENT OF BAKSA
ASSAM-781343

36: ANIL CHANDRA NATH
SON OF KHAGENDRA NR NATH
RESIDENT OF BAMUNJHAR
DARANG
ASSAM-784148

37: TOFIZUR RAHMAN
SON OF HUSSAIN ALI
RESIDENT OF HATSINGIMARI S S MANKACHAR
ASSAM-783135

38: LIMBUDHAR ISLARY
SON OF PRASENJIT ISLARY
RESIDENT OF GARDENPUR
KOKRAJHAR
ASSAM-783360

39: RAPHEL TANI
SON OF NIRDUS TANI BORKHETKATHANI
RESIDENT OF LAKHIMPUR
ASSAM-784163

40: NAYANJYOTI KALITA
SON OF KHIROD KALITA
RESIDENT OF SHICHAPITH KAMRUP
ASSAM-781123

41: SWAPNA SAIKIA
DAUGHTER OF PRASANATA DUTTA
RESIDENT OF BILOTIAGAON
DHEMAJI
ASSAM-787058

42: JAHANGIR ISLAM
SON OF ALI AZOM SK
RESIDENT OF BAIGONBARI
KOKRAJHAR
ASSAM-783347

43: IMDADUL HAQUE
SON OF ABED ALI BHABANIPUR
RESIDENT OF BAKSA
ASSAM-781343

44: MONJURI BARUAH
DAUGHTER OF SOMIRON GOSWAMI
RESIDENT OF CHRINGIAGAON
GOLAGHAT
ASSAM-785622

45: KHOGEN BORA
SON OF UPEN BORA PHULBARI
RESIDENT OF GOLAGHAT
ASSAM-785702

46: NONDESWAR NATH
SON OF ANANTA NATH
RESIDENT OF BORGOYAGENDHALI
LAKHIMPUR
ASSAM-787052

47: RANJUMONI GOGOI
SON OF MAHENDRA GOGOI
RESIDENT OF NIZLALUK
LAKHIMPUR
ASSAM-784160

48: JONMANI MUDOI
DAUGHTER OF GOLAP MUDOI

RESIDENT OF RANABARILAKHIMPUR
ASSAM-787023

49: HEMANTA GOGOI
SON OF PHANIN GOGOI
RESIDENT OF HARIBARDOLONI
LAKHIMPUR
ASSAM-784160

50: MOMI BORAH
DAUGHTER OF LILAKANTA BORAH
RESIDENT OF JAOPURPICHALA
LAKHIMPUR
ASSAM-787033

51: MALAYA HAZARIKA
DAUGHTER OF NILOTPAL BORAH
RESIDENT OF BILOTIA
GOHPUR
ASSAM-784168

52: MOHIMA BORO
DAUGHTER OF HITESH BORO
RESIDENT OF BHAORAGURI
TAMULPUR
ASSAM-781368

53: JONALI HANDIQUE
DAUGHTER OF JANEK HANDIQUE
RESIDENT OF PULINAHARANI
LAKHIMPUR
ASSAM-784165

54: CHANDRAKALA DEVI
DAUGHTER OF DAMBARTHAPA
RESIDENT OF 3 NO. KACHAMARI
BISWANATH
ASSAM-784175

55: HASHMAT ALI
SON OF FAKIRCHAND ALI
RESIDENT OF BORKALI GILADIGHI
DHUBRI
ASSAM-783330

56: GAYATRI DEVI
DAUGHTER OF DAMBAR THAPA
RESIDENT OF 3 NO. KACHAMARI

BISWANATH
ASSAM-784175

57: ABDUL WAZED TALUKDAR
SON OF ABDUR RAHMAN TALUKDAR
RESIDENT OF SATRAMAINBARI
BARPETA
ASSAM-781321

58: JOTIPRASHAD ROY
SON OF TANKESWAR ROY
RESIDENT OF 1 NO. HATIGARH
KOKRAJHAR
ASSAM-783360

59: JIYAUL HAQUE
SON OF SAMSER ALI BHEHBARI
RESIDENT OF KAMRUP R
ASSAM-784144

60: TAPAS CH.SARKAR
SON OF TARANI SARKAR
RESIDENT OF MADHYAPETLA
DHUBRI
ASSAM-783332

61: SAHNEWAJUDDIN SAIKIA
SON OF MONSUR ALI
RESIDENT OF JAPIA KAMRUP
ASSAM-781382

62: DAVID RAMEGLIEN
SON OF JOHAN HAMARKAWLIEN
RESIDENT OF CACHAR
ASSAM-788106

63: RUPAM ROY
SON OF HARDHAN ROY
RESIDENT OF BILASIPARA
DHUBRI
ASSAM-78334

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, DEPARTMENT OF EDUCATION, DISPUR, GUWAHATI-781006,
ASSAM

2:THE DIRECTOR OF ELEMENTARY EDUCATION
GOVERNMENT OF ASSAM
KAHILIPARA
GUWAHATI-781019

3:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY

4:NATIONAL COUNCIL FOR TEACHERS EDUCATION
G-7
SECTOR-10
DWARKA NEAR METRO STATION
NEW DELHI-110075

5:NATIONAL INSTITUTE OF OPEN SCHOOLING
A-24/25
INSTITUTIONAL AREA
SECTOR-62
NOIDA
DISTT. GAUTAMBUDH NAGAR
UTTAR PRADESH- 20130

Advocate for the Petitioner : MR. H. BURAGOHAIN

Advocate for the Respondent : SC. EDU.

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

03.05.2024

(Vijay Bishnoi, CJ)

This intra-Court appeal has been preferred by the appellants being aggrieved with the order dated 02.02.2024 passed by the learned Single Judge in WP(C) No.483/2024 whereby while issuing show cause notice to the respondents, the learned Single Judge has refused to grant interim relief to the appellants.

This Court on 09.02.2024 has already issued direction to the respondent State to provisionally allow the appellants to apply in the recruitment process initiated by advertisement dated 26.12.2023 with a further direction that final result of the appellants shall not be declared without the leave of the Court. It was also made clear that the interim order is only in respect of the appellants and shall not create any precedent.

It is not in dispute that the principal controversy has remained pending before the learned Single Judge. However, pursuant to the interim order passed by this Court, the appellants have already participated in the recruitment process and the results are being withheld pursuant to the direction given by this Court. Taking into consideration the above facts and circumstances, we deem it appropriate to dispose of this appeal by making the interim order dated 09.02.2024 absolute till disposal of the writ petition filed by the appellants and pending before the learned Single Judge.

JUDGE

CHIEF JUSTICE

Comparing Assistant