

GAHC010145202022



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

Case No. : WA/264/2022

HILAL UDDIN BARBHUIYA AND 11 ORS.
S/O- LATE MOYAB RAJA BARBHUIYA, VILL. SAIDBOND PART-2, P.O.
KALIBARI BAZAR, P.S. AND DIST.- HAILAKANDI, ASSAM. PIN- 788150.

2: HUSSAIN AHMED CHOUDHURY
S/O- LATE FOYZUL HOQUE CHOUDHURY
RESIDENT OF WORD NO.1
HAILAKANDI TOWN
P.O. VICHINGCHA
P.S. AND DIST.- HAILAKANDI
ASSAM
PIN- 788152.

3: JITENDRA DEB
S/O. LATE PROJENDRA DEB
VILL. ALEXANDARPUR
P.O. AND P.S. KATLICHERRA
DIST.- HAILAKANDI
ASSAM
PIN- 788161.

4: SHAMS UDDIN BARBHUIYA
S/O- LATE ABDUL KAYUM BARBHUIYA
RESIDENT OF WORD NO. 1
HAILAKANDI TOWN
P.O. VICHINGCHA
P.S. HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN- 788152.

5: ABDUL HANNAN BARBHUIYA
S/O. ABDUL MOTLIB BARBHUIYA
VLL. BAHADURPUR PART-I

P.O. RANGAUTI
P.S. AND DIST.- HAILAKANDI
ASSAM
PIN- 788155.

6: LAKSHMI KANTA DAS
S/O. LATE RAJENDRA CHANDRA DAS
RESIDENT OF LALA TOWN
WORD NO. 9
P.O. AND P.S. LALA
DIST. HAILAKANDI
ASSAM
PIN- 788163.

7: JAKIR HUSSAIN LASKAR
S/O LATE ATAUR ROHMAN LASKAR
RESIDENT OF VILL. SARANANDAPUR
P.O. SARBANANDAPUR
P.S. LALA
DIST.- HAILAKANDI
ASSAM
PIN- 788163.

8: BISWAJIT SINGHA
S/O- MAYA BABU SINGHA
VILL. SUDARSHANPUR
PART-III
P.O. NIMAICHANDPUR
P.S. LALA
DIST.- HAILAKANDI
ASSAM
PIN- 788168.

9: SHIBDAS SEN
S/O. LATE NIRANJAN SEN
RESIDENT OF HAILAKANDI TOWN
WORD NO. 3
P.O. AND P.S. HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN- 788151.

10: PRIYA MOHAN DAS
S/O. LATE PRASANNA KUMAR DAS
VILL. JECOBPUR
P.O. GHARMURA
P.S. RAMNATHPUR
DIST. HAILAKANDI

ASSAM
PIN- 788162.

11: BAHARUL ISLAM LASKAR
S/O. LATE SIRAJUL HOQUE LASKAR
VILL. MAHAMMEDPUR PART-I
P.O. RONGPUR SOUTH
P.S. LALA
DIST.- HAILAKANDI
ASSAM
PIN- 788163.

12: DILWAR AHMED LASKAR
S/O. LATE ABDUL HOQUE LASKAR
VILL. MAHAMMEDPUR PART-I
P.O. RONGPUR SOUTH
P.S. LALA
DIST.- HAILAKANDI
ASSAM
PIN- 788163

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION DEPARTMENT (ELEMENTARY) , DISPUR, ASSAM,
GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY TO GOVT. OF ASSAM
EDUCATION DEPARTMENT (ELEMENTARY)

DISPUR
ASSAM
GUWAHATI-6.

3:THE DIRECTOR OF ELEMENTARY EDUCATION
KAHILIPARA
ASSAM
GUWAHATI-19.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN- 788151.

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
HAILAKANDI

DIST.- HAILAKANDI
ASSAM
PIN- 788151.

6:THE BLOCK ELEMENTARY EDUCATION OFFICER
LALA
DIST. HAILAKANDI
ASSAM
PIN- 788163.

7:THE BLOCK ELEMENTARY EDUCATION OFFICER
KATLICHERRA
DIST.- HAILAKANDI
ASSAM
PIN- 788161

Advocate for the Petitioner : MR. S B LASKAR

Advocate for the Respondent : SC, ELEM. EDU

Linked Case : WP(C)/5770/2022

ABDUL MOTIN LASKAR AND 5 ORS
S/O- LT. MOSUR ALI LASKAR
VILL- NOBIN SONAPUR
P.O. KALIBARI BAZAR
P.S. ALGAPUR
DIST.- HAILAKANDI
ASSAM
PIN- 788150

2: ANUP KUMAR DAM
S/O- AMARENDRADAM
R/O- VILL- CHANDIPUR TE
P.O. KALIBARI BAZAR
P.S. ALGAPUR
DIST.- HAILAKANDI
ASSAM
PIN- 788150

3: NURUL HAQUE BARBHUIYA
S/O- LT. MOSUR ALI BARBHUIYA

VILL- SAYEDBOND PART-II
P.O. SAYEDBOND
P.S. ALGAPUR
DIST.- HAILAKANDI
ASSAM
PIN- 788150

4: ABUL HUSSAIN LASKAR
S/O- AHMED HUSSAIN LASKAR
R/O- VILL- CHIPORSANGAN
P.O. CHIPORSAMGAN
P.S. ALGAPUR
DIST.- HAILAKANDI
ASSAM
PIN- 788150

5: FAYZUL HOQUE BARBHUIYA
S/O- BASIR UDDIN BARBHUIYA
VILL- ALGAPUR PART-II
P.O. NORTH NARAINPUR
P.S. ALGAPUR
DIST.- HAILAKANDI
ASSAM
PIN- 788150

6: ABDUL HANNAN BARBHUIYA
S/O- ABDUL MATLIB BARBHUIYA
R/O- VILL- BHOJONTIPUR
P.O. RANGAUTI
P.S. HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN- 788155
VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM
EDUCATION DEPTT. (ELEMENTARY)
DISPUR
ASSAM
GHY-6

2:THE COMM. AND SECY. TO GOVT. OF ASSAM
EDUCATION DEPTT. (ELEMENTARY)
DISPUR
ASSAM
GHY-6

3:THE DIRECTOR OF ELEMENTARY EDUCATION

KAHILIPARA

ASSAM

GHY-19

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER

HAILAKANDI

DIST.- HAILAKANDI

ASSAM

PIN- 788151

5:THE BLOCK ELEMENTARY EDUCATION OFFICER

HAILAKANDI

DIST.- HAILAKANDI

ASSAM

PIN- 788151

6:GULAM MUSTAFA BARBHUIYA

S/O LT. MAHI UDDIN BARBHUIYYA

DOA 10.10.1994

I/C HEADMASTER CUM ASSISTANT TEACHER OF BOWERGHAT ME
SCHOOL

UNDER LALA EDUCATIONAL BLOCK

R/O BOWARGHAT PART-I

P.O- BOWERGHAT

DIST- HAILAKANDI

ASSAM

PIN-788164

7:ABDUL SIDIQUE LASKAR

S/O LATE HASON RAJA LASKAR

I/C HEADMASTER CUM ASSISTANT TEACHER

BHAJANTIPUR

MV SCHOOL

DOA 01.01.1995 UNDER HAILAKANDI EDUCATIONAL BLOCK

R/O VILL RATANPUR PART-II

PO- RATANPUR

DIST- HAILAKANDI

ASSAM

PIN-788155.

Advocate for : MR. S B LASKAR

Advocate for : SC

ELEM. EDU appearing for THE STATE OF ASSAM AND 6 ORS

Linked Case : WP(C)/6527/2022

MD. GULAM MUSTAFA BARBHUIYA AND ANR

S/O- LATE MAHI UDDIN BARBHUIYA

DOA- 10.10.1994

I/C HEADMASTER CUM ASSISTANT TEACHER OF BOWERGHAT ME

SCHOOL
UNER LALA EDUCATIONAL BLOCK
R/O- BOWARGHAT PART-I
P.O. BOWERGHAT
DIST. HAILAKANDI
ASSAM
PIN- 788164.

VERSUS

THE STATE OF ASSAM AND 8 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
DEPARTMENT OF SCHOOL EDUCATION
EDUCATION (ELEMENTARY) DEPARTMENT
DISPUR
GHY-6.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY-19.

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
HAILAKANDI
ASSAM

4:MD. ABDUL MOTIN LASKAR
S/O- LATE MOSUR ALI LASKAR
R/O- VILL.- SONAPUR
P.O. KALIBARI BAZAR
P.S. ALGAPUR
DIST. HAILAKANDI
ASSAM
PIN- 788150.

5:ANUP KUMAR DAM
S/O- AMARENDRA DAM
R/O- VILL.- CHANDIPUR T.E. PO KALIBARI BAZAR
P.S. ALGAPUR
DIST. HAILAKANDI
ASSAM
PIN- 788150.

6:NURUL HAQUE BARBHUIYA
S/O- LATE MOSUR ALI BARBHUIYA
R/O- VILL.- SAYED BOND PART-II
P.O. SAYED BOND
P.S. ALGAPUR
DIST. HAILAKANDI
ASSAM

PIN- 788150.
7:MD. ABDUL HUSSAIN LASKAR
S/O- AHMED HUSSAIN LASKAR
R/O- VILL. AND P.O. CHIPORSANGAN
P.S. ALGAPUR
DIST. HAILAKANDI
ASSAM

PIN- 788801.
8:FAYZUL HOQUE BARBHUIYA
S/O- BASIR UDDIN BARBHUIYA
R/O- VILL.- ALGAPUR PART-II
P.O. NORTH NARAYANPUR
P.S. ALGAPUR
DIST. HAILAKANDI
ASSAM

PIN- 788150.
9:ABDUL HANNAN BARBHUIYA
S/O- ABDUL MATLIB BARBHUIYA
R/O- VILL.- BHOJONTIPUR
P.O. RANGAUTI
P.S. AND DIST. HAILAKANDI
ASSAM

PIN- 788155.

Advocate for : MR. A K DUTTA
Advocate for : SC
ELEM. EDU appearing for THE STATE OF ASSAM AND 8 ORS.

Linked Case : WP(C)/855/2023

SHAMS UDDIN BARBHUIYA AND 5 ORS
S/O LATE ABDUL KAYUM BARBHUIYA
R/O WORD NO. 1
HAILAKANDI TOWN
P.O.-VICHINGCHA
P.S.-HAILAKANDI
DIST-HAILAKANDI
ASSAM
PIN-788152

2: JAMIR UDDIN BARBHUIYA
S/O LT. ABDUL KHALIQUE BARBHUIYA
VILL-ALGAPUR PART-IV
P.O.-KALIBARI BAZAR
P.S.-ALGAPUR
DIST-HAILAKANDI

ASSAM
PIN-788150

3: AYNUL HOQUE BARBHUIYA
S/O LT. ABDUL MOTLIB BARBHUIYA
R/O HAILAKANDI TOWN
WORD NO. 3
P.O.-RATANPUR ROAD
P.S.-HAILAKANDI
DIST-HAILAKANDI
ASSAM
PIN-788151

4: ABDUR RAJAQUE LASKAR
S/O LATE ASAB ALI LASKAR
VILL-NORTH NARAINPUR PART-II
P.O.-NORTH NARAINPUR
P.S.-ALGAPUR
DIST-HAILAKANDI
ASSAM
PIN-788801

5: TAYABUR RAHMAN MAZARBHUIYA
S/O LT. ABDUL HYE MAZARBHUIYA
VILL-BHATIRKUPA PART-III
P.O.-BHATIRKUPA
P.S.-HAILAKANDI
DIST-HAILAKANDI
ASSAM
PIN-788150

6: SHAMS UDDIN MAZUMDER
S/O LT. MOHIBUR RAHMAN MAZUMDER
VILL-DHALIDHAR
P.O.-JANKIBAZAR
P.S.-PANCHGRAM
DIST-HAILAKANDI
ASSAM
PIN-788801
VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
EDUCATION DEPARTMENT (ELEMENTARY)
DISPUR
ASSAM
GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
EDUCATION DEPARTMENT (ELEMENTARY)

DISPUR

ASSAM

GUWAHATI-6

3:THE DIRECTOR OF ELEMENTARY EDUCATION

KAHILIPARA

ASSAM

GUWAHATI-19

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER

HAILAKANDI

DIST-HAILAKANDI

ASSAM

PIN-788151

5:THE BLOCK ELEMENTARY EDUCATION OFFICER

HAILAKANDI

DIST-HAILAKANDI

ASSAM

PIN-788151

6:GULAM MUSTAFA BARBHUIYA

S/O LATE MAHI UDDIN BARBHUIYA

IN-CHARGE HEADMASTER CUM ASSISTANT TEACHER OF BOWERGHAT

M.E.SCHOOL

VILLAGE AND P.O. BAWARGHAT

DISTRICT- HAILAKANDI

ASSAM

Advocate for : MR. S B LASKAR

Advocate for : SC

ELEM. EDU appearing for THE STATE OF ASSAM AND 5 ORS

Linked Case : WP(C)/147/2022

DEEPAK KUMAR JADAB AND 7 ORS

S/O LT. SHIB PRASAD JADAB

VILL- LAKHINAGAR T.E.

P.O.-LAKHINAGAR

P.S.-LALA

PIN-788164

HAILAKANDI

2: UTPAL KANTI NATH

S/O LT. KSIRODA CHANDRA NATH

LALA TOWN

WARD NO.8 HOSPITAL ROAD

P.O. AND P.S.-LALA

DIST- HAILAKANDI
PIN-788163

3: AHMEDUR RAHMAN LASKAR
S/O LT. ABDUN NOOR LASKAR
VILL-JOYKRISHNAPUR
P.O.-RANGPUR SOUTH
P.S.-LALA
DIST-HAILAKANDI
PIN-788163

4: DEBASISH DUTTAGUPTA
S/O LT. KALIPRASAD DUTTAGUPTA
HAILAKANDI TOWN
WARD NO.9
SHIBBARI ROAD
P.O. AND P.S.-HAILAKANDI
DIST- HAILAKANDI
PIN-788151

5: ANJAN DAS CHOUDHURY
S/O LT. ABHAY CHARAN DAS CHOUDHURY
VILL- RANGABAKH PART-1
P.O. AND P.S.-KATLICHERRA
DIST- HAILAKANDI
PIN-788161

6: ABDUL KALAM LASKAR
S/O LT. HARUN RASID LASKAR
VILL-UTTARJASNABAD PART-1
P.O.-LALAMUKH
P.S.-LALA
DIST-HAILAKANDI
PIN-788169

7: ABU EUSUF BORBHUIYA
S/O LT. MAHMOD ALI BORBHUIYA
VILL- CHANDIPUR PART-II
P.O.-KALIBARI BAZAR
P.S.-ALGAPUR
DIST-HAILAKANDI

8: AKTAR HUSSAIN LASKAR
S/O LATE ABDUL MATIN LASKAR
VILL-NIAMOTPUR
P.O.-SARBANANDAPUR
P.S.-LALA
DIST-HAILAKANDI

PIN-788163
VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
EDUCATION (ELEMENTARY) DEPARTMENT
DISPUR
GUWAHATI-781006

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

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
HAILAKANDI
ASSAM

4:THE TREASURY OFFICER
HAILAKANDI
ASSAM

Advocate for : MR. M DUTTA
Advocate for : SC
ELEM. EDU appearing for THE STATE OF ASSAM AND 3 ORS

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

24.04.2024

(Vijay Bishnoi, CJ)

The appellants have approached this Court by way of filing WP(C)

No.4268/2022 with the prayer to issue a direction to the respondent State to undertake the process for promotion to the post of Head Master/ Head Mistress of provincialised ME/MV/MEM and Senior Basic Schools of the district of

Hailakandi. The learned Single Judge has refused to interfere while observing that unless such posts are identified by the WPT & BC Department for the reserved categories in terms of the notification dated 02.03.2010, no promotion to the post of Head Master/ Head Mistress of provincialised ME/MV/MEM and Senior Basic Schools of the district of Hailakandi can be given to the petitioners. On the last occasion, learned counsel for the State of Assam was directed to clarify that why the Education Department has failed to specify the vacancies for post of Head Master/ Head Mistress of provincialised ME/MV/MEM and Senior Basic Schools of the district of Hailakandi. Mr. N. J. Khataniar, learned counsel appearing for the department of Elementary Education has submitted that vide order dated 23.04.2024, the reserved category posts of Head Master/ Head Mistress of provincialised ME/MV/MEM and Senior Basic Schools of the district of Hailakandi have already been specified. A copy of the letter issued by the Director of Elementary Education, Assam is placed on record. As per the said letter, the projection of the reserved category posts is given as follows :-

Category of School	SC	ST(H)	ST(P)
M V School	3 Nos.	3 Nos.	5 Nos.
ME School	11 Nos.	8 Nos.	16 Nos.
MEM	3 Nos.	2 Nos.	4 Nos.

In view of the fact that now the Government has already specified the vacancies for the reserved category for the post of Head Master/ Head Mistress of provincialised ME/MV/MEM and Senior Basic Schools of the district of Hailakandi, the State may initiate and complete the process for promotion of the writ petitioners and other similarly situated employees to the post of Head Master/Head Mistress in accordance with the notification dated 02.03.2010

within a period of four months from the date of passing of this order.

With this observation, the Writ Appeal and the connected Writ Petitions are disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant