

GAHC010027932024



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

Case No. : WA/44/2024

DAYANANDA DOLEY AND 101 ORS
AGED ABOUT 36 YEARS, S/O CHAMPAPAL DOLEY RESIDENT OF VILLAGE
- DHAKUAKHANA, LAKHIMPUR, ASSAM- 787055

2: MINTU DAS
AGED ABOUT 42 YEARS
D/O LATE SIBCHARAN DAS

RESIDENT OF SATPUR
KAMRUP
ASSAM- 781120

3: MD. HEDAYET ULLAH

AGED ABOUT 37 YEARS
S/O ASHRAF ALI

RESIDENT OF BAGUGURI
KAMRUP
ASSAM-781136

4: SMT. TILUMONI GOGOI
AGED ABOUT 39 YEARS
W/O UPEN BORA

RESIDENT OF BORAH CHUK
BISWANATH
ASSAM- 784169

5: JAGAT CHANDRA NATH
AGED ABOUT 40 YEARS
S/O DURLABH CHANDRA NATH

RESIDENT OF KABEICHUBA GAON

DARANG
ASSAM-784145

6: MANTU SAIKIA
AGED ABOUT 41 YEARS
S/O LATE KHAGEN SAIKIA

RESIDENT OF GOBINDANAGAR
UMRANGSO
DIMA HASAO
ASSAM-788931

7: UJJAL KUMAR DEKA
AGED ABOUT 39 YEARS
S/O BIPIN CHANDRA DEKA

RESIDENT OF BARAPUJIA
RAJA GAON
NAGAON
ASSAM-782103

8: SMT. DIPA DEKA MANDAL
AGED ABOUT 37 YEARS
W/O KRISHNA KANTA MANDAL

RESIDENT OF BORKA
KAMRUP
ASSAM-781101

9: SMT. SONMANI DEKA
AGED ABOUT 40 YEARS
D/O LATE RATNESWAR DEKA

RESIDENT OF PATILADAHA
BONGAIGAON
ASSAM-783391

10: MD. AMZAD ALI (MD.AMBAZ ALI)
AGED ABOUT 38 YEARS
S/O SIRAJ ALI
RESIDENT OF CHAKARABASTI
DARRANG
ASSAM- 784116

11: SMT. PANJANA NARZARY
AGED ABOVE 41 YEARS
W/O JWNGSHAR BASUMATARY

RESIDENT OF CHENGLIMARI
UDALGURI BTR
ASSAM-784514

12: PRANJAL KOCH
AGED ABOUT 38 YEARS
S/O UBIRAM KOCH

RESIDENT OF KALABARI
KOKRAJHAR
ASSAM-783346

13: KHANDAKAR RAFFIQUUL HUSSAIN
AGED ABOUT 38 YEARS
S/O LATE MAFFJAL HUSSAIN

RESIDENT OF ROUTABAGAN
UDALGURI
ASSAM-784508

14: SMT. ILA NATH DEKA
AGED ABOUT 37 YEARS
W/O SATISH CHANDRA DEKA

RESIDENT OF RUPAKHAT GAON
UDALGURI
ASSAM-784528

15: AMLAN JYOTI NATH
AGED ABOUT 39 YEARS
S/O LATE ASHUTOSH NATH

RESIDENT OF BONKUT BLOCK NO.4
KARBI ANGLONG (KAAC)
ASSAM-782481

16: NABAJIT KALITA
AGED ABOUT 37 YEARS
S/O RATNESWAR KALITA

RESIDENT OF BARALIAPAR
TAMULPUR
ASSAM-781368

17: JIYAUUL HAQUE
AGED ABOUT 39 YEARS
S/O SAMSER ALI

RESIDENT OF BHEHBARI
KAMRUP R
ASSAM-781366

18: KUMUD RAJBONGSHI
AGED ABOUT 37 YEARS
H/O JURI DAS

RESIDENT OF KATARA
DARANG
ASSAM-784144

19: PUTUL CH. NATH
AGED ABOUT 40 YEARS
S/O BHADRESWAR NATH

RESIDENT OF SANTIPUR
NAGAON
ASSAM-782425

20: ABDUL RAHMAN
AGED ABOUT 39 YEARS
S/O LATE TAHER ALI

RESIDENT OF BAHBARI
BAKSA
ASSAM-781360

21: DEWAN JULU HUSSAIN
AGED ABOUT 40 YEARS
S/O LATE DEWAN ABDUL KARIM

RESIDENT OF HALDHIAPATHAR
BARPETA
ASSAM-781319

22: DIPANKAR DEKA
AGED ABOUT 40 YEARS
S/O LATE NAREN DEKA

RESIDENT OF KHUDRA AMRIKHOWA
BARPETA
ASSAM-781369

23: TAPAN PATHAK
AGED ABOUT 40 YEARS
S/O LATE RATNESWAR PATHAK

RESIDENT OF HEKRA
KAMRUP R
ASSAM-781127

24: HARA KANTA BAROI
AGED ABOUT 40 YEARS
S/O CHAN MOHAN BAROI

RESIDENT OF DEBENDRANAGAR
DHEMAJI
ASSAM-787059

25: ATIK ALI
AGED ABOUT 37 YEARS
S/O KASHIM ALI

RESIDENT OF TOUMURA
NALBARI
ASSAM-781341

26: BALLABH SARKAR
AGED ABOUT 37 YEARS
S/O ANIL SARKAR

RESIDENT OF HOWLITARI
KAMRUP
ASSAM-781136

27: MITHU HALDAR
AGED ABOUT 44 YEARS
D/O NABADWIP HALDAR

RESIDENT OF NEW BONGAIGAON
ASSAM-783381

28: SMT. ILUMONI BARUAH
AGED ABOUT 40 YEARS
W/O TARUN GOGOI

RESIDENT OF CHARAIBAHI
JORHAT
ASSAM-785616

29: SMT. MOMI DAS
AGED ABOUT 40 YEARS
W/O RAJU DEKA

RESIDENT OF VILLAGE NO.2 MADHUPUR

MARIGAON
ASSAM-782411

30: SMT. SIMA RANI DAS
AGED ABOUT 39 YEARS
W/O AMIT DAS

RESIDENT OF TARAPUR
SILCHAR
CACHAR
ASSAM-788003

31: AMULYA KAMAN
AGED ABOUT 38 YEARS
S/O ANIRAM KAMAN

RESIDENT OF BOGARIGURI
MAJULI
ASSAM-785104

32: SAFIKUL HAQUE
AGED ABOUT 37 YEARS
S/O BAKTAR ALI

RESIDENT OF BHAMANDANGA PT-II
DHUBRI
ASSAM-783335

33: KANMANI TALUKDAR
AGED ABOUT 44 YEARS
S/O TARUN TALUKDAR

RESIDENT OF NASATRA
BARPETA
ASSAM-781307

34: MUKUNDA ORANG
AGED ABOUT 37 YEARS
S/O BAILARAM ORANG

RESIDENT OF KURUABAHI
UDALGURI (BTR)
ASSAM-784114

35: SONATON BORO
AGED ABOUT 37 YEARS
S/O RAMCHARAN BORO

RESIDENT OF LATIBARI
TAMULPUR
ASSAM-781360

36: FATIMA KHATUN
AGED ABOUT 42 YEARS
D/O ALAL UDDIN

RESIDENT OF SHALMARABORI
NAGAON
ASSAM-782123

37: MWGDAN SINGH DAIMARY
AGED ABOUT 41 YEARS
S/O LATE PUSPARAM BORO

RESIDENT OF PUB NOKATA
TAMULPUR
ASSAM-781364

38: SITANATH PAUL
AGED ABOUT 38 YEARS
S/O KSHAUNISH CH. PAUL

RESIDENT OF BARAIGRAM
KARIMGANJ
ASSAM-788723

39: JOYNAL ABDIN
AGED ABOUT 39 YEARS
S/O ABDUL WAHAB

RESIDENT OF KALARCHAR
NALBARI
ASSAM-781312

40: BIJIT DAIMARY
AGED ABOUT 39 YEARS
S/O SAONA DAIMARY

RESIDENT OF BARIKADANGA
BAKSA
ASSAM-781344

41: RAJIB KR. DEKA
AGED ABOUT 38 YEARS
S/O ANANTA DEKA

RESIDENT OF DHEKERIGAON
DARRANG
ASSAM-784116

42: NILKAMAL MANDAL
AGED ABOUT 37 YEARS
S/O HAREN CHANDRA MANDAL

RESIDENT OF TRILOCHAN
KAMRUP
ASSAM-781136

43: MD. AMIR HUSSAIN
AGED ABOUT 37 YEARS
S/O MEHERALI SK

RESIDENT OF GERAMARI PT-V
DHUBRI
ASSAM-783339

44: CHITTARANJAN ROY
AGED ABOUT 42 YEARS
S/O HARIPADA ROY

RESIDENT OF JHAPUSABARI PT-IV
DHUBRI
ASSAM-783335

45: AJIT DAS
AGED ABOUT 41 YEARS
S/O LATE MAHIN CHANDRA DAS

RESIDENT OF BOGIBARI
KAMRUP METRO
ASSAM-782402

46: SMT. SANGEETA CHETRY
AGED ABOUT 42 YEARS
D/O GANJA BAHADUR CHETRY

RESIDENT OF KHANAMUKH
SONITPUR
ASSAM-784101

47: ARUP BORAH
AGED ABOUT 42 YEARS
S/O LATE RUPAN BORAH

RESIDENT OF AKHOIPHUTIA
SIVSAGAR
ASSAM-785697

48: JADUMONI CHETIA
AGED ABOUT 42 YEARS
S/O THAGIRAM CHETIA

RESIDENT OF JARADHARA
SIVSAGAR
ASSAM-785681

49: RATUL CHUTIA
AGED ABOUT 39 YEARS
S/O LATE MILESWAR CHUTIA

RESIDENT OF VILL. 14 MILE HECHAMORA
LAKHIMPUR
ASSAM-787032

50: UTPAL BORDOLOI
AGED ABOUT 40 YEARS
S/O CHATIA BORDOLOI

RESIDENT OF KAHUAATI (BORCHILA)
MARIGAON
ASSAM-782142

51: SMT. SWAPNA ROY
AGED ABOUT 38 YEARS
D/O HARICHARAN ROY

RESIDENT OF DOLAIGAON
BONGAIGAON
ASSAM-783380

52: MD. SOFIUR RAHMAN
AGED ABOUT 40 YEARS
S/O MD. MOKBUL HUSSAIN

RESIDENT OF BARARIKATI
KAMRUP
ASSAM-781136

53: GOUTAM ACHARJEE
AGED ABOUT 38 YEARS
S/O GOURANGA ACHARJEE

RESIDENT OF KACHARIGAON
DHUBRI
ASSAM-783332

54: HRIDAY MANI BAYAN
AGED ABOUT 38 YEARS
S/O RAMESH BAYAN

RESIDENT OF KAHIBARI
KAMRUP
ASSAM-781136

55: BHABEN KONWAR
AGED ABOUT 44 YEARS
S/O DURGESWAR KONWAR

RESIDENT OF 2 NO. MADHUPUR
MARIGAON
ASSAM-782411

56: SAHJAHAN ALI
AGED ABOUT 39 YEARS
S/O ABU BAKKAR SIDDIQUE

RESIDENT OF MOWAMARI
DARRANG
ASSAM-784115

57: SHAKTI RANJAN DOLEY
AGED ABOUT 37 YEARS
S/O JITENDRA NATH DOLEY

RESIDENT OF RATANPUR MIRI
MAJULI
ASSAM-785105

58: SMT. JYOTSNA RANI DEVI
AGED ABOUT 42 YEARS
D/O SUBUDH CHANDRA NATH

RESIDENT OF MAYENGIA
MARIGAON
ASSAM-782106

59: GOUTAM CH. RAI
AGED ABOUT 39 YEARS
S/O MADHU RAI

RESIDENT OF SOLA
KAMRUP
ASSAM-781136

60: MD. SWAIK OMAR UDDIN AHMED
AGED ABOUT 38 YEARS
S/O MD ALI AKBAR

RESIDENT OF BATABARI
DARRANG
ASSAM-784116

61: MD. SAHED ALI
AGED ABOUT 38 YEARS
S/O MATIUR RAHMAN

RESIDENT OF NO.2 LARKUCHI
NALBARI
ASSAM-781138

62: MADAN ROY
AGED ABOUT 37 YEARS
S/O LATE JYOTISH ROY

RESIDENT OF KAHIBARI
KAMRUP
ASSAM-781136

63: JAYANTA BARMAN
AGED ABOUT 41 YEARS
S/O LATE CHAND MOHAN BARMAN

RESIDENT OF SATHIKUCHI
NALBARI
ASSAM-781370

64: HEMANTA KALITA
AGED ABOUT 39 YEARS
S/O KAMESHWAR KALITA

RESIDENT OF TRILOCHAN
KAMRUP
ASSAM-781136

65: SIKANDAR ORAU
AGED ABOUT 38 YEARS
S/O BIJOY ORAU

RESIDENT OF CHIKANMATI
BAGICHA
ASSAM-784116

66: SMT. RUPJYOTI DEKA KALITA
AGED ABOUT 37 YEARS
W/O DINESH KALITA

RESIDENT OF ATHIABOI
KAMRUP
ASSAM-781101

67: TAHERUL ISLAM
AGED ABOUT 39 YEARS
S/O ABDUL JALIL

RESIDENT OF BARJANA PT- II
BONGAIGAON
ASSAM-783382

68: WAJUDDIN AHMED
AGED ABOUT 40 YEARS
S/O EUSUF ALI

RESIDENT OF KAYETHPARA PT-I
BONGAIGAON
ASSAM-783389

69: ABJAL ALI
AGED ABOUT 38 YEARS
S/O ASAD ALI

RESIDENT OF MALARA GOHAIBARI
KAMRUP
ASSAM-781121

70: NASIMUDDIN AHMED
AGED ABOUT 39 YEARS
S/O ABDUL MOZID

RESIDENT OF KAYETHPARA PT-I
BONGAIGAON
ASSAM-783389

71: SHYAM KANU DOLEY
AGED ABOUT 37 YEARS
S/O SARYA DOLEY

RESIDENT OF BATHAKHANA
LAKHIMPUR
ASSAM-784165

72: RAMU KUMAR PATAR
AGED ABOUT 44 YEARS
S/O BALURAM PATAR

RESIDENT OF BARAPUJIA
NAGAON
ASSAM-782103

73: KAILASH DASARJYA
AGED ABOUT 45 YEARS
S/O LATE GOSHAI DASARJYA

RESIDENT OF ATHIABARI GAON
BAKSA (BTR)
ASSAM-781315

74: JYOTISH CHANDRA ARJYA
AGED ABOUT 45 YEARS
S/O DIPEN CHANDRA ARJYA

RESIDENT OF ATHIABARI
BAKSA (BTR)
ASSAM-781315

75: SMT. JYOTISMITA SALOI
AGED ABOUT 39 YEARS
W/O NILAMANI MEDHI

RESIDENT OF BAGURIHATI
NALBARI
ASSAM-781310

76: JUANJYOTI PEGU
AGED ABOUT 39 YEARS
S/O NAREN PEGU

RESIDENT OF KEKURIPOMUA
LAKHIMPUR
ASSAM-787055

77: SMT. MALLIKA BHUYAN
AGED ABOUT 39 YEARS
W/O LAKHYAJEET GOGOI

RESIDENT OF NAHARASAKU
DIBRUGARH
ASSAM- 786010

78: SMT. JYOTI OZA
AGED ABOUT 27 YEARS
D/O TULSHI OZA

RESIDENT OF BEZERA
KAMRUP
ASSAM- 781121

79: BASUDEV DAS
AGED ABOUT 33 YEARS
S/O GHUTU DAS
RESIDENT OF GAMIRIPAL MALOBASTI
SONITPUR
ASSAM- 784180

80: DHIRUJ NATH
AGED ABOUT 37 YEARS
S/O SWAPAN NATH
RESIDENT OF DHEKERIGAON
DARRANG
ASSAM- 784116

81: BISWAJIT GOGOI
AGED ABOUT 35 YEARS
S/O LATE USHADHAR GOGOI

RESIDENT OF BORHULLABAM GAON
CHRAIDEO
ASSAM- 785692

82: IZAJUL HAQUE
AGED ABOUT 37 YEARS
S/O ABDUL KADER

RESIDENT OF KHOPATI PT II
MANKACHAR
ASSAM- 783128

83: TAPASH CH. SARKAR
AGED ABOUT 37 YEARS
S/O TARALI SARKAR
RESIDENT OF MADHYA PETLA
DHUBRI
ASSAM- 783332

84: BISWAJIT DAS
AGED ABOUT 31 YEARS
S/O BADAL CH. DAS

RESIDENT OF KALAIGAON
UDALGURI
ASSAM- 784190

85: DULU GOGOI
AGED ABOUT 32 YEARS
S/O BAITYA GOGOI

RESIDENT OF NAREN PATHAR
CHARAIDEO
ASSAM- 785693

86: SMT. BANDANA CHAUHAN
AGED ABOUT 27 YEARS
D/O SRI NARAYAN CHAUHAN
RESIDENT OF HALADHIATI
BAKULIGHAT
KARBI ANGLONG
ASSAM-782482

87: SMT. POMPEE SAIKIA
AGED ABOUT 32 YEARS
D/O GOLOK SAIKIA

RESIDENT OF JARABARI NO.3
LAKHIMPUR
ASSAM- 784164

88: SMT. SANGITA MUDOI
AGED ABOUT 35 YEARS
W/O ROBIN SAIKIA

RESIDENT OF GOPALPUR
BISWANATH
ASSAM 784168

89: PANKAJ SWARGIARY
AGED ABOUT 27 YEARS
S/O DAMBARUDHAR SWARGIARY

RESIDENT OF HASTINAPUR
TAMULPUR
ASSAM- 781368

90: DIPAK VARMA
AGED ABOUT 33 YEARS
S/O BABRI NATH VERMA

RESIDENT OF PURUPBARI
BISWANATH
ASSAM- 784168

91: HUSSAIN AHMED LASKAR
AGED ABOUT 34
S/O BSIR UDDIN LASKAR
RESIDENT OF BORHAILAKANDI-III
HAILAKANDI
ASSAM- 788155

92: SMT. ARPANA MEDHI
AGED ABOUT 30 YEARS
D/O LATE MANU RAM MEDHI

RESIDENT OF NALBARI TOWN
NALBARI
ASSAM- 781335

93: ABU BAKKAR SIDDIQUE
AGED ABOUT 29 YEARS
S/O LATE HANIF ALI
RESIDENT OF SATIPUR
CHIRANG (BTR)
ASSAM-783385

94: SMT. GITASHREE BORA
AGED ABOUT 30 YEARS
D/O PHULESWAR BORA

RESIDENT OF BAMUNBORI
MORIGAON
ASSAM- 782103

95: SMT. RUPOSHREE DAS
AGED ABOUT 25 YEARS
D/O SHUBUD RANJAN DAS

RESIDENT OF BRAHMANGRAM
CACHAR
ASSAM-788815

96: DIPAK DAS

AGED ABOUT 25 YEARS
S/O ARADHAN DAS
RESIDENT OF MALIBARI SATRA
KAMRUP
ASSAM-781136

97: SMT. DULALI ROY
AGED ABOUT 29 YEARS
W/O DIPAK DAS

RESIDENT OF RAMRAIKUTI PT-II
DHUBRI
ASSAM- 783335

98: NAVADIP KALITA
AGED ABOUT 29 YEARS
S/O SRI MADAN KALITA

RESIDENT OF BAMUNDI
KAMRUP R
ASSAM-781103

99: MASUMA KHATUN
AGED ABOUT 33 YEARS
D/O NIZAMUDDIN AHMED

RESIDENT OF NAGAJAN
KHARUPETIA DARRANG
ASSAM- 784115

100: SMT. BANDANA BARMAN
AGED ABOUT 34 YEARS
D/O HARIPAD BARMAN
RESIDENT OF KAITHAL KUCHI
NALBARI
ASSAM- 781370

101: SIRINA PARVIN
AGED ABOUT 33 YEARS
W/O ABUL KALAM SK

RESIDENT OF NO.3 DAWAGURI
KOKRAJHAR (BTR)
ASSAM- 783361

102: SUFIA KHATUN
AGED ABOUT 40 YEARS
W/O LALCHAND ALI

RESIDENT OF CHOTO ALLIYA
NALBARI
ASSAM- 78136

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, DEPARTMENT OF EDUCATION, DISPUR, GUWAHATI, ASSAM-
-781006

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
122-C
SHASTRI BHAWAN
NEW DELHI - 110001

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. GAUTAM BUDH 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.477/2024 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