

GAHC010284402023



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

Case No. : I.A.(Civil)/30/2024
IN WP(C) No.3100/2022

1. ANSHUMITA GOGOI AND 44 ORS.
D/O SUSHIL GOGOI
R/O DUHUTIA, P.O. NAKACHARI
P.S MARIANI, PIN -785635 DIST. JORHAT, ASSAM
- 2: KAUSHIK BHATTACHARJEE
S/O KALI CHARAN BHATTACHARJEE R/O SAPATGRAM WARD NO. 3
P.O. SAPATGRAM P.S SAPATGRAM PIN-783337 DIST. DHUBRI, ASSAM
- 3: LUKUMONI GOGOI
D/O MONDIT GOGOI
R/O BASASAYAK DIBRUAL
P.O. MAJBARI, P.S. AMGURI
PIN-785680 DIST. SIVASAGAR, ASSAM
- 4: KRISHNA PATOWARY
D/O LT. JADU PATOWARY R/O MUKTAPUR P.O. LOCH
P.S. BAIHATA CHARIALI, PIN-781381 DIST. KAMRUP (R) ASSAM
- 5: DIPIKA BORAH
D/O PITAMBARM BORAH
R/O CHENIKUTHI HILL SIDE P.O. SILPUKHURI
P.S. CHANDMARI PIN-781003 DIST. KAMRUP (M) ASSAM
- 6: ANISHA BHARALI
D/O CHITRA N BHARALI
R/O MAJIKUCHI, P.O. MAJIKUCHI
PIN-784178 DIST. BISWANATH, ASSAM
- 7: DIKSHITA DEKA
D/O BINOD KUMAR DEKA R/O MOHKHALI
P.O. GOPAITHAN, P.S. BELSOR
PIN-781334 DIST. NALBARI, ASSAM

8: PALLABICKA BARUAH
D/O PARBOTI PRASHAD BARUAH
R/O GANDHI NAGAR MAKWN
P.O. MAKUM JUNCTION, P.S. MAKUM
PIN-786170 DIST. TINSUKIA, ASSAM

9: BHANU DEWRI
D/O HARESWAR DEWRI
R/O MADANPUR, P.O. LOHARGHAT
PIN-781120 DIST. KAMRUP (R) ASSAM

10: DIPANJALI BORAH
D/O HIMANGSHU BARMAN
R/O MAJARATI, P.O. MAJARATI
PIN-782002 DIST. NAGAON, ASSAM

11: HIMADRI KALITA RAY
W/O- CHANDAN RAY R/O - SONAKHULI PART-1 P.O - SRIJONGRAM
PIN – 783384, DIST – BONGAIGAON, ASSAM.

12: MADHUSUDHAN BARMAN
D/O- LATE BHOLANATH BARMAN R/O - AMINKATA
P.O – AMINKATA, P.S - GOSSAIGAON
PIN – 783337, DIST – KOKRAJHAR, ASSAM.

13: DASHAMI KALITA
S/O- BHASKAR JYOTI HAZARIKA
R/O - TELAHI BHAKATGAON
P/O – BANGALDHRA, P.S - DHARAMTUL
PIN – 782412, DIST – MORIGAON, ASSAM.

14: TULUMANI BORAH
D/O- KUSHAL THAKURIA
R/O - BOKRAJHAR BAGICHA
P.O – TENGABARI, PIN – 784525, DIST – UDALGURI, ASSAM

15: RIMA CHETIA HANDIQUE
D/O- JITU HANDIQUE
R/O -MECHAGARH HANDIQUE GAON P.O – SIVASAGAR,
PIN – 785697, DIST – SIVASAGAR, ASSAM.

16: KAMAL PHUKAN
S/O- TIKENDRA PHUKAN R/O - UDAIPUR
P.O – JONAI, P.S – JONAI, PIN - 787060
DIST – DHEMAJI, ASSAM.

17: ARUP BORAH
S/O- LATE RUPAN BORH
R/O – AKHOIPHUTIA, P.O - AKHOIPHUTIA
P.S – SIVASAGAR, PIN - 785697
DIST – SIVASAGAR, ASSAM.

18: JINTI BORAH
D/O- DULEN SAIKIA R/O -KARI
P.O – DOLOHAT, PIN - 787023
DIST – LAKHIMPUR, ASSAM.

19: NURUDDIN ALI
S/O- MOTIBOR RAHMAN R/O - HASDOBA
P.O – HASDOBA, P.S - LAKHIPUR
PIN - 783129 DIST – GOALPARA, ASSAM.

20: PALLABI DAS
D/O- GOLAK CHANDRA DAS R/O - GARGARA
P.O – SIKARHATI, P.S - PALASHBARI
PIN – 781125, DIST – KAMRUP(R), ASSAM

21: RAMIJ UZ JAMAN
S/O- JOINAL AHMED R/O - SONDHA
P.O – SONDHA, P.S - NALBARI
PIN – 781337, DIST – NALBARI, ASSAM.

22: SUBHADRA THAKURIA
D/O- PADMESWAR THAKURIA R/O - NAHIRA
P.O – NAHIRA, P.S - PALASHBARI
PIN – 781132, DIST – KAMRUP(R), ASSAM.

23: TILUMONI GOGOI
S/O- UPEN BORAH R/O - BORACHUCK
P.O – KHATORGAON, PIN - 784169
DIST – BISWANATH, ASSAM

24: MAFIDA YESMIN
W/O- FAKARUDDIN AHMED R/O - RAJAPUKHURI
P.O – CHAMUAKHAT, P.S - DHULA
PIN – 784190, DISTRICT DARRANG, ASSAM

25: SUMSUMI GOGOI
D/O- HARI CHANDRA GOGOI R/O - SARALA BARUAH CHUK P.O - SOOTEA
PIN – 784175, DIST – BISWANATH, ASSAM

26: RAZZAKUL HUSSAIN
S/O- SHUNA MIAH R/O - CHASRA NO.1 P.O - SATRAKANARA
P.S – BAGHBAR, PIN – 781308, DIST – BARPETA, ASSAM.

27: NITYANANDA PEGU
S/O- BINESWAR PEGU
R/O – KATHALGURI, P.O - KEKURIPOMUA
P.S – DHAKUAKHANA, PIN - 787055
DIST – LAKHIMPUR, ASSAM.

28: PRANTRISHNA BARUAH
D/O- TILSWAR BARUAH R/O - HOLONGAPAR GOHAINGAON P.O -
KAPARADHARA
PIN – 785700, DIST – JORHAT, ASSAM.

29: DHANJIT DEKA
S/O- BASUNDHAR DEKA
R/O – SENAPATIPARA, P.O - BURHINAGAR
P.S – SIPAJHAR, PIN - 784147
DIST – DARRANG, ASSAM.

30: ANANTA KALITA
S/O- BHOGESWAR KALITA R/O - AUNIATI SATRA
P.O – MAJULI, PIN - 785106
DIST – MAJULI, ASSAM.

31: PRERANA BHUYAN
D/O- CHANDRA BHUYAN R/O - MADHABGAON
P.O -JAMUGURIHAT, PIN - 784180
DIST – SONITPUR, ASSAM.

32: JYOTIREKHA DEKA
W/O- BIJAN BAYAN
R/O - PATHSALA WARD NO.2, P.O - PATHSALA
PIN – 781325, DIST – BAJALI, ASSAM.

33: JYOTISMITA SALOI
D/O- NILAMANI MEDHI R/O - BAGURIHATI
P.O – BAGURIHAT, P.S - BELSOR
PIN – 781310, DIST – NALBARI, ASSAM.

34: BHARGAB JYOTI NATH
S/O- HEM CHANDRA NATH
R/O – NAYAKPARA, P.O - SIPAJHAR
P.S – SIPAJHAR, PIN - 784145
DIST – DARRANG, ASSAM.

35: SYEDA NILUFAR JAMIL
D/O- SYED INAMUL ISLAM R/O - RANGIA WARD NO. 10 P.O - RANGIA
P.S – RANGIA, PIN - 781354
DIST – RANGIA, ASSAM.

36: JAISHREE DEVI
D/O- LAKHI NATH R/O - NO. 1 SOLMORIA
P.O – LALUCK, PIN - 787023
DIST – LAKHIMPUR, ASSAM.

37: SADDAM HUSSAIN
S/O- MOSLEM ALI
R/O – SAPKATA, MUKALMUA
P.O -NALBARI, PIN - 781126 DIST – NALBARI, ASSAM.

38: RAMEN KALITA
S/O- LATE HARENDRA KALITA
R/O - DEBANANDA
P.O – HAZARIKAPARA, P.S - SIPAJHAR
PIN - 784145 DIST – DARRANG, ASSAM

39: SATABDISHIKHA KONCH
D/O- THULUK KONCH
R/O - 1 NO. BORBIL
P.O – NAHARPARA, P.S - TINGKhang
PIN - 786613 DIST – DIBRUGARH, ASSAM

40: DIPIKA SENSWA
D/O- GUNARAM SENSWA
R/O - TEHANIA P.O - SAMAGURI P.S - AMGURI
PIN - 785680 DIST – SIVSAGAR, ASSAM

41: MOONMI BORUAH
D/O- LATE HEMA BORUAH
R/O - SAMAGURI NA-ALI P.O - SAMAGURI P.S - AMGURI
PIN – 785680, DIST – SIVASAGAR, ASSAM

42: TARALI KALITA
D/O- HIREN KALITA
R/O – SUALKUCHI, P.O - SUALKUCHI
PIN – 781103, DIST – KAMRUP(R), ASSAM.

43: DHANMANI KALITA
S/O- KSHEMADHAR KALITA
R/O – DEBANANDA, P.O - HAZARIKAPARA
P.S – SIPAJHAR, PIN - 784145 DIST – DARRANG, ASSAM

44: ABDUS SATTAR
D/O- ABDUL LATIF
R/O - SOILMARI P.O - CHIKNI P.S - KALGACHIA
PIN - 781321 DIST – BARPETA, ASSAM.

45: DULUMANI DEKA
D/O KUMUD DEKA
R/O ATHGAON P.O. HINGULEE P.S KAMALPUR
PIN-781380 DIST. KAMRUP (R) ASSAM.

---VERSUS---

1. THE STATE OF ASSAM AND ANR.,
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
ELEMENTARY EDUCATION DEPTT. DISPUR GUWAHATI-6

2:THE DIRECTOR OF ELEMENTARY EDUCATION, ASSAM
KAHILIPARA GUWAHATI-19

Advocate for : MR. M BARUAH
Advocate for : SC
ELEM. EDU appearing for THE STATE OF ASSAM AND ANR.

- B E F O R E -

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

29.01.2024

Heard Mr. S. Borthakur, learned counsel for the applicants. Also heard Mr. B. Kaushik, learned Standing Counsel, Elementary Education Department appearing for the respondent authorities.

The applicants herein had instituted WP(C) No.3100/2022, being aggrieved with the non-recognition of the qualification of Praveen/Ratna obtained by them from Assam Rastrabhasha Prachar Samiti and Rastrabhasha Prachar Samiti, Wardha, which qualification is deemed to be equivalent with B.A. in Hindi.

It is the case of the applicants that the said qualification has been recognized by the Secondary Education to be an equivalent qualification for B.A. Degree for the purpose of selection of Hindi Teacher in High/Higher Secondary Schools.

This Court had, on the earlier occasion, required Mr. B. Kaushik, learned Standing Counsel, Elementary Education Department to receive instructions as to the stand of the respondent authorities with regard to the claims made by the applicants/petitioners for reorganization and inclusion of the said two degrees in the advertisement dated 27.12.2023 for inviting applications for recruitment against the post of Hindi Teachers in Upper Primary Schools.

Today Mr. Kaushik has placed before this Court a communication dated 28.01.2024, issued by the Secretary to the Government of Assam, Department of School Education, wherein it has been contended that the qualifications as prescribed in the above stated advertisement, are based on the qualifications as prescribed by the NCTE and as such, the claims of the applicants/petitioners as made in the connected writ petition cannot be entertained.

Given the nature of the dispute involved in the present proceedings, a detailed hearing would be called for in WP(C) No.3100/2022 and for the said purpose, the Departmental authorities would also be required to bring on record their stand by way of filing an affidavit.

It has been brought to the notice of this Court that the last date fixed for submission of the applications for the recruitment process as initiated by the above stated advertisement dated 27.12.2023 is on 02.02.2024.

Accordingly, the present Interlocutory Application is disposed of by allowing the applicants herein to submit their respective applications in pursuance to the above stated advertisement for the post of Hindi Teacher for the Upper Primary Schools.

In the event the applicants so submit their applications, the respondent authorities shall receive the same and would permit the cases of the applicants to be considered in the selection process. The case of the applicants shall be

considered on merit and the marks as scored by them would be kept in a sealed cover.

In other words, the results of the applicants/petitioners shall not be declared without leave of this Court. As to the entitlement of the applicants/petitioners for being eligible to participate in the said selection process, further order(s), as may be called for, would be so issued after the stand of the respondents are brought on record by way of filing an affidavit in the matter [WP(C) No.3100/2022].

It is reiterated that the case of the applicants/petitioners should not be rejected or they should not be prevented from applying in terms of the above stated advertisement only because of the fact that they do not possess the qualifications as spelt out and the possessed qualifications, according to them, are equivalent. The issue as regards equivalence of the qualification of the applicants/petitioners with the qualifications set out in the advertisement would be determined in the proceedings in WP(C) No.3100/2022.

The participation of the applicants/petitioners in the selection process is without prejudice to the claim that may be made or raised by the department in the proceedings in WP(C) No.3100/2022.

JUDGE

Comparing Assistant