

GAHC010060822023



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

Case No. : WA/246/2023

PASHAN ALI AND 11 ORS.
S/O LATE HABIBAR RAHMAN , RESIDENT OF VILLAGE AND PO NALI
GAON, DIST BARPETA, ASSAM 781352

2: MD. FAJLUL HAQUE S/O LATE SAYED ALI
RESIDENT OF VILLAGE DALOR PATHAR
PO B.D PATHAR DIST BARPETA ASSAM 781318

3: SHAHADAT HUSSAIN S/O SRI MANURUDDIN AHMED
RESIDENT OF BORBALA PO BORBALA
DIST BARPETA ASSAM 781316

4: KHARGESWAR TALUKDAR
S/O SRI MAHENDRA TALUKDAR
RESIDENT OF VILLAGE BANAKHATA
DIST BARPETA ASSAM 781325

5: DIPAK TALUKDAR
S/O SRI JIBESWAR TALUKDAR
RESIDENT OF SARTHEBARI
PO SARTHEBARI DIST BARPETA ASSAM 781307

6: PRANAB JYOTI NATH
S/O SRI BUDHO RAM NATH
RESIDENT OF VILLAGE AND PO GAHIYA
PS SARTHEBARI
DIST BARPETA
ASSAM 781325

7: MAHANTA BARMAN
S/O SRI SATYA BARMAN
RESIDENT OF VILLAGE GAMARIGURI
PO GOBARDHANA
DIST BARPETA ASSAM 781315

8: TAHER UDDIN DEWAN
S/O NAZIM UDDIN DEWAN
RESIDENT OF VILLAGE DANGARKUCHI (AZAD NAGAR) WARD NO. 14
PO PS AND DIST BARPETA
ASSAM 781301

9: RAKIMUL HAQUE CHOUDHURY
S/O LATE MD. MATIUR RAHMAN
RESIDENT OF VILLAGE DONAKUCHI
PO SONKUCHI PS AND DIST BARPETA
ASSAM 781314

10: BHUDEV BHAGABATI
S/O LATE SATINDRA BHAGABATI
RESIDENT OF VILLAGE AND PO SUNDARIDIA
DIST BARPETA ASSAM 781314

11: DEWAN JAHIDUL ISLAM
S/O DEWAN ABDUL WAHAB
RESIDENT OF VILLAGE AND PO SUKMANAH
DIST BARPETA ASSAM 781316

12: PRAHLAD ROY S/O LATE CHAYO RAM ROY
RESIDENT OF VILLAGE AND PO AMRIKHOWA
DIST BARPETA ASSAM 78130

VERSUS

THE STATE OF ASSAM AND 8 ORS. E
REPRESENTED BY THE COMMISSIONER and SECRETARY TO THE
GOVERNMENT OF ASSAM, SECONDARY EDUCATION DEPARTMENT,
ASSAM SECRETARIAT, DISPUR, GUWAHATI, ASSAM. PIN 781006.

2:THE SPECIAL COMMISSIONER
SECONDARY EDUCATION DEPARTMENT
GOVERNMENT OF ASSAM
ASSAM SECRETARIAT
DISPUR GUWAHATI
ASSAM. PIN 781006

3:THE DIRECTORATE OF SECONDARY EDUCATION
REPRESENTED BY THE DIRECTOR
KAHILIPARA GUWAHATI
ASSAM. PIN 781019

4:SHRI ASHUTOSH DAS S/O LATE GOPENDRA DAS
R/O- VILL- KALINAGAR P.O. KALINAGAR DISTRICT HAILAKANDI
ASSAM. PIN 788801

5:SRI SHYAM SUNDAR BORAH
S/O GOKUL CHANDRA BORAH
R/O VILLAGE OJARA GAON
P.O. OPAR OJARA P.S. SADAR
DISTRICT NAGAON ASSAM

6:SRI MAHENDRA KEOT
S/O SRI SARABAPU KEOT
R/O BHARAHAMPUR
P.O. BRAHAMPUR P.S. SADAR
DISTRICT NAGAON
ASSAM. PIN 782102

7:SRI KHAGEN BORA
S/O SRI CHANDRA KANTA BORA
R/O KARAYANI P.O. KARAYANI
P.S. SADAR DISTRICT NAGAON
ASSAM

8:SRI MUKUL CHAMUAH
R/O VILLAGE OJARA GAON
P.O. OPAR OJARA
P.S. SADAR
DISTRICT NAGAON
ASSAM. PIN 782101

9:SRI DIPANKAR BORUAH
S/O SRI KINARAM BORUAH
R/O VILLAGE KUJIDAH GAON
P.O. KUJIDAH DISTRICT NAGAON ASSAM

Advocate for the Petitioner : MR S BORTHAKUR, MR. B HUSSAIN,MR SAURADEEP
DEY,MR S A BARBHUYAN

Advocate for the Respondent : SC, SEC. EDU., MR. L MOHAN (r-4),MR. J I BORBHUIYA (r-4),MRS. K H CHOUDHURY (r-4),MR. P J SAIKIA, SR. ADV (r-5 to 9),MS M NIROLA (r-5 to 9)

Linked Case : I.A.(Civil)/784/2023

PASHAN ALI AND 11 ORS.
S/O LATE HABIBAR RAHMAN
RESIDENT OF VILLAGE AND PO NALI GAON
DIST BARPETA ASSAM 781352

2: MD. FAJLUL HAQUES/O LATE SAYED ALI
RESIDENT OF VILLAGE DALOR PATHAR
PO B.D PATHAR DIST BARPETA ASSAM 781318

3: SHAHADAT HUSSAIN
S/O SRI MANURUDDIN AHMED
RESIDENT OF BORBALA
PO BORBALA DIST BARPETA
ASSAM 781316

4: KHARGESWAR TALUKDAR
S/O SRI MAHENDRA TALUKDAR
RESIDENT OF VILLAGE BANAKHATA
DIST BARPETA ASSAM 781325

5: DIPAK TALUKDAR
S/O SRI JIBESWAR TALUKDAR
RESIDENT OF SARTHEBARI
PO SARTHEBARI
DIST BARPETA ASSAM 781307

6: PRANAB JYOTI NATH
S/O SRI BUDHO RAM NATH
RESIDENT OF VILLAGE AND PO GAHIYA
PS SARTHEBARI
DIST BARPETA
ASSAM 781325

7: MAHANTA BARMAN
S/O SRI SATYA BARMAN
RESIDENT OF VILLAGE GAMARIGURI
PO GOBARDHANA
DIST BARPETA
ASSAM 781315

8: TAHER UDDIN DEWAN
S/O NAZIM UDDIN DEWAN
RESIDENT OF VILLAGE DANGARKUCHI (AZAD NAGAR) WARD NO. 14
PO PS AND DIST BARPETA
ASSAM 781301

9: RAKIMUL HAQUE CHOUDHURY
S/O LATE MD. MATIUR RAHMAN
RESIDENT OF VILLAGE DONAKUCHI
PO SONKUCHI PS AND DIST BARPETA
ASSAM 781314

10: BHUDEV BHAGABATI
S/O LATE SATINDRA BHAGABATI
RESIDENT OF VILLAGE AND PO SUNDARIDIA
DIST BARPETA ASSAM 781314

11: DEWAN JAHIDUL ISLAM
S/O DEWAN ABDUL WAHAB
RESIDENT OF VILLAGE AND PO SUKMANAH
DIST BARPETA ASSAM 781316

12: PRAHLAD ROY S/O LATE CHAYO RAM ROY
RESIDENT OF VILLAGE AND PO AMRIKHOWA
DIST BARPETA ASSAM 781307

VERSUS

THE STATE OF ASSAM AND 8 ORS.
REPRESENTED BY THE COMMISSIONER and SECRETARY TO THE
GOVERNMENT OF ASSAM
SECONDARY EDUCATION DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GUWAHATI
ASSAM. PIN 781006.

2:THE SPECIAL COMMISSIONER

SECONDARY EDUCATION DEPARTMENT
GOVERNMENT OF ASSAM
ASSAM SECRETARIAT
DISPUR
GUWAHATI
ASSAM. PIN 781006

3:THE DIRECTORATE OF SECONDARY EDUCATION
REPRESENTED BY THE DIRECTOR
KAHILIPARA
GUWAHATI
ASSAM. PIN 781019

4:SHRI ASHUTOSH DAS
S/O LATE GOPENDRA DAS
R/O- VILL- KALINAGAR
P.O. KALINAGAR
DISTRICT HAILAKANDI
ASSAM. PIN 788801

5:SRI SHYAM SUNDAR BORAH
S/O GOKUL CHANDRA BORAH
R/O VILLAGE OJARA GAON
P.O. OPAR OJARA
P.S. SADAR
DISTRICT NAGAON

ASSAM

6:SRI MAHENDRA KEOT
S/O SRI SARABAPU KEOT
R/O BHARAHAMPUR
P.O. BRAHAMPUR
P.S. SADAR

DISTRICT NAGAON
ASSAM.
PIN 782102

7:SRI KHAGEN BORA
S/O SRI CHANDRA KANTA BORA
R/O KARAYANI
P.O. KARAYANI
P.S. SADAR
DISTRICT NAGAON
ASSAM

8:SRI MUKUL CHAMUAH
R/O VILLAGE OJARA GAON
P.O. OPAR OJARA
P.S. SADAR
DISTRICT NAGAON
ASSAM.
PIN 782101

9:SRI DIPANKAR BORUAH
S/O SRI KINARAM BORUAH
R/O VILLAGE KUJIDAH GAON
P.O. KUJIDAH
DISTRICT NAGAON
ASSAM

Advocate for : MR S BORTHAKUR
Advocate for : SC SEC. EDU. appearing for THE STATE OF ASSAM AND 8 ORS.

Linked Case : I.A.(Civil)/934/2023

PASHAN ALI AND 11 ORS.
S/O LATE HABIBAR RAHMAN
RESIDENT OF VILLAGE AND PO NALI GAON
DIST BARPETA ASSAM 781352

2: MD. FAJLUL HAQUES/O LATE SAYED ALI
RESIDENT OF VILLAGE DALOR PATHAR
PO B.D PATHAR DIST BARPETA ASSAM 781318

3: SHAHADAT HUSSAIN
S/O SRI MANURUDDIN AHMED
RESIDENT OF BORBALA
PO BORBALA
DIST BARPETA
ASSAM 781316

4: KHARGESWAR TALUKDAR
S/O SRI MAHENDRA TALUKDAR
RESIDENT OF VILLAGE BANAKHATA
DIST BARPETA
ASSAM 781325

5: DIPAK TALUKDAR
S/O SRI JIBESWAR TALUKDAR
RESIDENT OF SARTHEBARI
PO SARTHEBARI
DIST BARPETA ASSAM 781307

6: PRANAB JYOTI NATH
S/O SRI BUDHO RAM NATH
RESIDENT OF VILLAGE AND PO GAHIYA
PS SARTHEBARI
DIST BARPETA
ASSAM 781325

7: MAHANTA BARMAN
S/O SRI SATYA BARMAN
RESIDENT OF VILLAGE GAMARIGURI
PO GOBARDHANA DIST BARPETA
ASSAM 781315

8: TAHER UDDIN DEWAN
S/O NAZIM UDDIN DEWAN
RESIDENT OF VILLAGE DANGARKUCHI (AZAD NAGAR) WARD NO. 14
PO PS AND DIST BARPETA
ASSAM 781301

9: RAKIMUL HAQUE CHOUDHURY
S/O LATE MD. MATIUR RAHMAN
RESIDENT OF VILLAGE DONAKUCHI
PO SONKUCHI PS AND DIST BARPETA
ASSAM 781314

10: BHUDEV BHAGABATI
S/O LATE SATINDRA BHAGABATI
RESIDENT OF VILLAGE AND PO SUNDARIDIA
DIST BARPETA

ASSAM 781314

11: DEWAN JAHIDUL ISLAM
S/O DEWAN ABDUL WAHAB

RESIDENT OF VILLAGE AND PO SUKMANAH

DIST BARPETA
ASSAM 781316

12: PRAHLAD ROY
S/O LATE CHAYO RAM ROY
RESIDENT OF VILLAGE AND PO AMRIKHOWA
DIST BARPETA
ASSAM 781307
VERSUS

THE STATE OF ASSAM AND 8 ORS. E
REPRESENTED BY THE COMMISSIONER and SECRETARY TO THE
GOVERNMENT OF ASSAM
SECONDARY EDUCATION DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GUWAHATI
ASSAM. PIN 781006.

2:THE SPECIAL COMMISSIONER
SECONDARY EDUCATION DEPARTMENT
GOVERNMENT OF ASSAM
ASSAM SECRETARIAT
DISPUR GUWAHATI
ASSAM. PIN 781006

3:THE DIRECTORATE OF SECONDARY EDUCATION
REPRESENTED BY THE DIRECTOR
KAHILIPARA GUWAHATI
ASSAM. PIN 781019

4:SHRI ASHUTOSH DASS/O LATE GOPENDRA DAS
R/O- VILL- KALINAGAR
P.O. KALINAGAR DISTRICT HAILAKANDI
ASSAM. PIN 788801

5:SRI SHYAM SUNDAR BORAH
S/O GOKUL CHANDRA BORAH
R/O VILLAGE OJARA GAON
P.O. OPAR OJARA P.S. SADAR
DISTRICT NAGAON ASSAM

6:SRI MAHENDRA KEOT
S/O SRI SARABAPU KEOT
R/O BHARAHAMPUR
P.O. BRAHAMPUR
P.S. SADAR
DISTRICT NAGAON
ASSAM. PIN 782102

7:SRI KHAGEN BORA
S/O SRI CHANDRA KANTA BORA
R/O KARAYANI P.O. KARAYANI
P.S. SADAR DISTRICT NAGAON
ASSAM

8:SRI MUKUL CHAMUAH
R/O VILLAGE OJARA GAON
P.O. OPAR OJARA
P.S. SADAR
DISTRICT NAGAON
ASSAM. PIN 782101

9:SRI DIPANKAR BORUAH
S/O SRI KINARAM BORUAH
R/O VILLAGE KUJIDAH GAON
P.O. KUJIDAH
DISTRICT NAGAON
ASSAM

Advocate for : MR S BORTHAKUR
Advocate for : SC SEC. EDU. appearing for THE STATE OF ASSAM AND 8 ORS. E

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 28.10.2024
(Vijay Bishnoi, CJ)

Mr. S. Dey, learned counsel for the appellants, has submitted that with the amendment in Rule 5 of the Assam Secondary Education (Provincialized Schools) Service Rules, 2018; the grievance raised by the appellants, herein, in the instant writ appeal, has already been redressed and he, therefore, prays that this writ appeal may be closed as having become infructuous.

In view of the submissions as made above by Mr. Dey, learned counsel for the appellants; this writ appeal stands dismissed as having become infructuous.

Interim order, if any, stands vacated.

Mr. Rajesh Mazumdar, learned standing counsel, Secondary Education Department, and Mr. J. I. Borbhuiya, learned counsel, are present on behalf of their Respondents.

JUDGE

CHIEF JUSTICE

Comparing Assistant