

GAHC010040902022



2024:GAU-AS:12858

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

**Case No. : WP(C)/1568/2022**

JAFUR UDDIN BARBHUIYA AND 61 ORS  
S/O IRMAN ALI BARBHUIYA, VILL.ALGAPUR PART-II, P.O. KALIBARI  
BAZAR, P.S. ALGAPUR, DIST.HAILAKANDI, ASSAM, PIN.788150

2: ATAUR RAHMAN BARBHUIYA  
S/O. SIRAJ UDDIN BARBHUIYA  
VILL.ALGAPUR PART-II  
P.O.KALIBARI BAZAR  
P.S. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788150

3: MOUMITA SINGHA  
D/O. ABANI KANTA SINGHA  
VILL. AND P.O. POLARPUR  
P.S. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN- 788801

4: MAMATA LASKAR  
D/O.AYUB ALI LASKAR  
VILL- AND P.O. PANCHGRAM  
P.S. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788801

5: RIZMA BEGUM BARBHUIYA  
W/O. SAFIQUE UDDIN BARBHUIYA  
VILL- AND P.O. PANCHGRAM  
P.S. PANCHGRAM  
DIST. HAILAKANDI

ASSAM  
PIN. 788801

6: NEHARUN NESSA LASKAR  
W/O. PAKHI MIA CHOWDHURY  
VILL. BAKRIHOWAR PART-II  
P.O. JANKI BAZAR  
P.S. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788801

7: HAZIRA BEGUM MAZUMDER  
D/O.MAHARAM ALI MAZUMDER  
VILL.ALGAPUR PART-III  
P.O.KALIBARI BAZAR  
P.S.ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788150

8: ASIA BEGUM MAZUMDER  
W/O. ALA UDDIN BARBUIYA  
VILL. BASBARI PART-I  
P.O.BASBARI  
P.O. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788152

9: ABDUS SALAM CHOWDHURY  
S/O. SARAFAT ALI CHOWDHURY  
VILL.BHATI SANGURAI  
P.O.KALIBARI BAZAR  
P.S.ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788150

10: SOVA SARKAR  
D/O. ANIL CH. SARKAR  
VILL.KALINAGAR PART-III  
P.O.KALINAGAR  
P.S.ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN. 788801

11: HASNA BEGUM MAZUMDER  
D/O. IRSAD ALI MAZUMDER  
VILL. RONGPUR PART-II  
P.O. RONGPUR SOUTH  
P.S. LALA  
DIST.HAILAKANDI  
ASSAM  
PIN.788163

12: SHAMIM AHMED LASKAR  
S/O. SARA UDDIN LASKAR  
VILL.KAPNARPARI  
P.O.KALIBARI BAZAR  
P.S. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788150

13: RUSTANA BEGUM LASKAR  
D/O. TAJAMUL ALI LASKAR  
VILL. NORTH NARAINPUR  
P.O. NORTH NARAINPUR  
P.S. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788801

14: SALIM UDDIN LASKAR  
S/O. LT. ATAUR RAHMAN LASKAR  
VILL. BHATISANJURAI  
P.O. AND P.S. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788152

15: IKBAL HUSSAIN CHOWDHURY  
S/O. LT. ASSADAR ALI CHODHURY  
VILL. ALGAPUR PART-I  
P.O. KALIBARI BAZAR  
P.S. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788150

16: JAMAL UDDIN LASKAR  
S/O. LUTFUR RAHMAN LASKAR  
VILL.KAPNARPARI  
P.O. KALIBARI BAZAR

P.S.ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788150

17: KOYES AHMED CHOUDHURY  
S/O. ABDUL HAQUE CHOUDHURY  
VILL.ALGAPUR PART-IV  
P.O. KALIBARI BAZAR  
P.O. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788150

18: FIRUJ AHMED LASKAR  
S/O. MUDARIS ALI LASKAR  
VILL. UJANKUPA PART-I  
P.O. UJANKUPA  
P.S. AND DIST. HAILAKANDI  
ASSAM  
PIN.788151

19: SHAHIDUR RAHMAN LASKAR  
S/O. SIRAJ UDDIN LASKAR  
VILL. BOALIPAR PART-III  
P.O. BOALIPAR BAZAR  
P.S. AND DIST. HAILAKANDI  
ASSAM  
PIN.788155

20: AJMAL HUSSAIN LASKAR  
S/O. SIDDEQUE ALI LASKAR  
VILL. BOALIPAR PART-I  
P.O. BOALIPAR  
P.S. AND DIST.HAILAKANDI  
ASSAM  
PIN.788155

21: ALIM UDDIN CHOUDHURY  
S/O. SAIDUR RAHMAN CHOUDHURY  
VILL.KALINAGAR PART-V  
P.O. AND P.S. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788801

22: SELIM AHMED CHOUDHURY  
S/O. KALA MIA CHOUDHURY

VILL. KALINAGAR PART-V  
P.O. KALINAGAR  
P.S. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788801

23: ASHIM KUMAR DEY  
S/O. UDAY RANJAN DEY  
VILL.KALINAGAR PART-III  
P.O. KALINAGAR  
P.S. ALGAPUR  
DIST. HAILAKANDI  
ASSAM  
PIN.788801

24: SHUSMITA DHAR  
W/O. ASHIM KUMAR DEY  
VILL. KALINAGAR PART-III  
P.O. AND P.S. ALGAPUR  
DIST-HAILAKANDI  
ASSAM  
PIN.788152

25: SAMIM AHMED LASKAR  
S/O. JUADUR RAHMAN LASKAR  
VILL.BOALIPAR PART-II  
P.O. BOALIPAR  
P.S. AND DIST.HAILAKANDI  
ASSAM  
PIN.788155

26: SWAPNA BEGOM MAZUMDER  
D/O. GULAZAR ALI MAZUMDER  
VILL. AND P.O. ALGAPUR PART-V  
P.S. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788152

27: ABHIJIT DEY  
S/O. UDAY RANJAN DEY  
VILL. AND P.O. KALINAGAR  
P.S. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788801

28: MASUQUE UDDIN MAZUMDER  
S/O. ABDUL JALIL MAZUMDER  
VILL. CHANDIPUR PART-III  
P.O. KALIBARI BAZAR  
P.S. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788150

29: NURUL ISLAM BARBUIYA  
S/O. ABDUL KADIR BARBUIYA  
VILL.CHANDIPUR PART-II  
P.O. KALIBARI BAZAR  
P.S. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788150

30: JAMAL AHMED CHOUDHURY  
S/O. ABDUL MONNAF CHOUDHURY  
VILL. AND P.O. ALGAPUR PART-V  
P.S. ALGAPUR  
DIST-HAILAKANDI  
ASSAM  
PIN.788150

31: HASNAHEN A BEGUM LASKAR  
W/O. FARIJ UDDIN MAZUMDER  
VILL AND P.O. KANCHANPUR PART-II  
P.S. AND DIST-HAILAKANDI  
PIN.788801

32: MOINUL HAQUE MAZUMDER  
S/O. BASARAT ALI MAZUMDER  
VILL. NARAINPUR PART-I  
P.O. NORTH NARAINPUR  
P.S. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788801

33: NIZAM UDDIN BARBUIYA  
S/O. IRMAN ALI BARBUIYA  
VILL.ALGAPUR PART-II  
P.O.KALIBARI BAZAR  
P.S. ALGAPUR  
DIST.HAILAKANDI  
ASSAM

PIN.788150

34: ABDUL AZIZ CHOWDHURY  
S/O. SIRAJ UDDIN CHOWDHURY  
VILL.NABIN SONAPUR  
P.O. KALIBARI BAZAR  
P.S.ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788150

35: DIPAK KUMAR PAUL  
S/O. JAGMOHAN PAUL  
VILL.ALGAPUR PART-I  
P.O. KALIBARI BAZAR  
P.S. ALGAPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788150

36: SARASHI NATH  
D/O. HIMANGSHU SEKHAR NATH  
VILL. BISHNUPUR  
P.O. SARBANANDAPUR  
P.S.LALA  
DIST.HAILAKANDI  
ASSAM  
PIN.788163

37: SALIM UDDIN LASKAR  
S/O.TABARAK ALI LASKAR  
VILL.RONGPUR PART-II  
P.O.SAHABAD  
P.S.KATLICHERRA  
DIST.HAILAKANDI  
ASSAM  
PIN.788163

38: MUSMAN UDDIN LASKAR  
S/O.ABDUL RAHMAN LASKAR  
VILL.RONGPUR PART-IV  
P.O.RONGPUR SOUTH  
P.S.LALA  
DIST.HAILAKANDI  
ASSAM  
PIN.788163

39: RABIA BEGUM LASKAR

D/O. MOSOROF ALI LASKAR  
VILL. MAHAMMEDPUR PART-II  
P.O. RONGPUR SOUTH  
P.S. LALA  
DIST.HAILAKANDI  
ASSAM  
PIN.788163

40: ASROF UDDIN LASKAR  
S/O. ISHAK ALI LASKAR  
VILL. NUNAIKHAL GRANT  
P.O. VERNERPUR  
P.S. LALA  
DIST. HAILAKANDI  
PIN.788163

41: AKTAR UDDIN BARBHUIYA  
S/O. MASKANDAR ALI BARBHUIYA  
VILL. RONGPUR-VIII  
P.O. SAHABAD  
P.S. KATLICHERRA  
DIST.HAILAKANDI  
ASSAM  
PIN.788163

42: POMPA RANI NATH  
W/O. SUDIP RANJAN NATH  
VILL. RAJYESWARPUR PART-IV  
(VATTALAPAR)  
P.O. MADARIPAR  
P.S. LALA  
DIST.HAILAKANDI  
ASSAM  
PIN.788168

43: NAZMUL HUSSAIN LASKAR  
S/O. FARIJ UDDIN LASKAR  
VILL. NIMATPUR  
P.O. SARBANANDAPUR  
P.S. LALA  
DIST.HAILAKANDI  
ASSAM  
PIN.788163

44: BILAL UDDIN BARBHUIYA  
S/O. MUJIBUR RAHMAN BARBHUIYA  
VILL. JOYKRISHNAPUR

P.O. RONGPUR SOUTH  
P.S. LALA  
DIST.HAILAKANDI  
ASSAM  
PIN.788163

45: PARVEEN SULTANA BEGUM CHOUDHURY  
D/O. SAYDUR RAHMAN CHOUDHURY  
VILL.RONGPUR PART-VIII  
P.O. SAHABAD  
P.S. KATLICHERRA  
DIST.HAILAKANDI  
ASSAM  
PIN.788163

46: AFTAB UDDIN BARBHUIYA

S/O. SIKANDAR ALI BARBHUIYA  
VILL. JAMIRA BAGAN BASTI  
P.O. JAMIRA BAZAR  
P.S. RAMNATHPUR  
DIST.HAILAKANDI  
ASSAM  
PIN.788162

47: JASIM UDDIN LASKAR  
S/O. AMIR ALI LASKAR  
VILL. SHERALIPUR  
P.O. TANTOO  
P.S. LALA  
DIST.HAILAKANDI  
ASSAM  
PIN.788161

48: SABIR AHMED LASKAR  
S/O. MONIR UDDIN LASKAR  
VILL.RONGPUR  
P.O. RONGPUR SOUTH  
P.S. LALA  
DIST.HAILAKANDI  
ASSAM  
PIN.788163

49: RAFIQUE UDDIN BARBHUIYA  
S/O. MAJIBUR RAHMAN BARBHUIYA  
VILL.JOYKRISHNAPUR  
P.O.RONGPUR SOUTH  
P.S.LALA

DIST.HAILAKANDI  
ASSAM  
PIN.788163

50: MOCKLISHUR ROHMAN LASKAR  
S/O.MOZARAF ALI LASKAR  
VILL. NIAMATPUR  
P.O. SARBANANDAPUR  
P.S. LALA  
DIST.HAILAKANDI  
ASSAM  
PIN.788163

51: NANDITA DUTTA

D/O. NIBARAN CH. DUTTA  
VILL.RANGAUTI PT-I  
PAIKAN  
P.O. PAIKAN  
P.S.AND DIST.HAILAKANDI  
ASSAM  
PIN.788155

52: SUMITA DEY

D/O. SUKHAMOY DEY  
VILL.RANGAUTI PART-I  
P.O. PAIKAN  
P.S. AND DIST.HAILAKANDI  
ASSAM  
PIN.788155

53: SALEHA BANU LASKAR  
S/O. SAFIQUR RAHMAN LASKAR  
RESIDENT OF HAILAKANDI TOWN  
P.O.  
P.S. AND DIST. HAILAKANDI  
ASSAM  
PIN.788151

54: NAZRUL HAQUE BARBHUIYA  
S/O. FORJAN ALI BARBHUIYA  
VILL. AND P.O. PAIKAN  
DIST.HAILAKANDI  
ASSAM  
PIN.788155

55: HUSSAIN AHMED LASKAR

S/O.MUSABBIR ALI LASKAR  
VILL.RAJYESWARPUR PART-I  
P.O. BARBAND  
DIST.HAILAKANDI  
ASSAM  
PIN.788164

56: PARBIN SULTANA BARBHUIYA  
D/O. ANDUL JABBAR BARBHUIYA  
VILL. AND P.O.PAIKAN  
P.S. AND DIST.HAILAKANDI  
ASSAM  
PIN.788155

57: FAYJUN NESSA LASKAR  
D/O. MAKADDAS ALI LASKAR  
VILL. AND P.O. NIMAICHANDPUR  
P.S. BANDUKMARA  
DIST.HAILAKANDI  
ASSAM  
ASSAM  
PIN.788160

58: FATIMA BEGAM LASKAR  
D/O. MOBID ALI LASKAR  
VILL.BAHADURPUR PART-I  
P.O. RANGAUTI  
P.S. AND DIST.HAILAKANDI  
ASSAM  
PIN.788155

59: SAJNA BEGUM CHOUDHURY  
D/O. NURUL ISLAM CHOUDHURY  
VILL. AND P.O. RANGAUTI  
P.S. AND DIST. HAILAKANDI  
ASSAM  
PIN.788155

60: NAZRUL HUSSAIN MAZARBHUIYA  
S/O. ISAK ALI MAZARBHUIYA  
VILL. AND P.O. SUDARSHANPUR PART-II  
P.O. SUDARSHANPUR  
P.S. LALA  
DIST. HAILAKANDI  
ASSAM  
PIN.788160

61: SULTANA MAZUMDER @ SULTANA LASKAR

D/O. ABDUL MATLIB MAZUMDER  
VILL. LALA ROAD  
WORD NO.4  
P.O. AND P.S. HAILAKANDI  
DIST.HAILAKANDI  
ASSAM  
PIN.788151

62: KAJAL KANTI DEY  
S/O. HARESH CHANDRA DEY  
VILL.RAJESWARPUR PART-I  
P.O. BORBAND  
P.S.LALA  
DIST.HAILAKANDI  
ASSAM  
PIN.78816

VERSUS

THE STATE OF ASSAM AND 7 ORS  
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,  
EDUCATION (ELEMENTARY) DEPARTMENT, DISPUR, GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY  
TO THE GOVT. OF ASSAM  
EDUCATION DEPARTMENT (ELEMENTARY) DEPARTMENT  
DISPUR  
GUWAHATI-6

3:THE DIRECTOR OF ELEMENTARY EDUCATION

ASSAM  
KAHILIPARA  
GUWAHATI-19

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

5:DEPUTY INSPECTOR OF SCHOOLS  
HAILAKANDI  
DIST. HAILAKANDI ASSAM  
PIN- 788151

6:THE BLOCK ELEMENTARY EDUCATION OFFICER  
HAILAKANDI  
DIST. HAILAKANDI

ASSAM  
PIN- 788151

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

8:THE BLOCK ELEMENTARY EDUCATION OFFICER

KATLICHERRA  
DIST. HAILAKANDI  
ASSAM  
PIN-78816

**Advocate for the Petitioner** : MR. S B LASKAR, MS D DUTTA,MS N KALITA,MR. H A LASKAR

**Advocate for the Respondent** : SC, ELEM. EDU,

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date :** 17.12.2024

Heard Mr. S. B. Laskar, learned counsel for the petitioners and Mr. P.N. Sharma, learned Standing Counsel for the respondent Nos. 1 to 8.

**2.** The grievance, being sought to be addressed in this writ petition, is that the petitioners were selected for being appointed as teachers and their names figured in the select list of 1999 for Hailakandi district. They have applied for the posts pursuant to common employment notice of 1996, issued by the Director of Elementary Education, Assam for recruitment of 7500 posts of LP/ME/MV School Teachers in different districts of Assam. Thereafter, except in the districts Hailakandi and Morigaon, large numbers of illegal appointments were made in different districts of Assam and the said fact is apparent from the Inquiry Report

dated 20.11.2008, submitted by Hon'ble Mr. Justice (Retd.) S.K. Kar Commission of Inquiry. Thereafter, with regard to the select list of 1999, several writ petitions were preferred before this Court whereupon this Court, vide order dated 20.06.2003, had directed the Government to take a decision thereon. Thereafter, the Government of Assam, in its Cabinet meeting held on 07.10.2020, took a decision to accommodate illegal appointees prior to 2007, of LP/ME School Teachers against respective posts of tutor/teacher. The pleaded case of the petitioners is that the said policy decision violates Article 14 of the Constitution of India as the same discriminates the selected candidates against the common employment notice of 1996 and the classification of selected candidates and the illegal appointments are void ab initio and the same is not a reasonable classification. Furthermore, the departmental authorities in the district of Hailakandi have submitted a fake list of more than 300 illegal appointees to the State authorities to extract illegal gain out of the Government decision, and in connection with the illegal appointments, the petitioners had filed one representation on 02.02.2021 to the Commissioner and Secretary to the Government of Assam in the Education Department and thereafter, to the Principal Secretary to the Government of Assam in the Education (Elementary) Department on 21.01.2022 and the said representation is yet to be disposed of. Being aggrieved, the petitioners have approached this Court by filing the present writ petition with a prayer to issue direction to the respondent No. 1 to dispose of their representation dated 21.01.2022, after affording an opportunity of being heard to the petitioners and also to set aside the policy decision of the Government of Assam taken in the Cabinet meeting held on 07.10.2020.

**3.** Mr. Laskar, learned counsel for the petitioners submits that this writ petition may be disposed of by directing the respondent authorities to dispose of the

representation dated 21.01.2022, filed by the petitioners after affording an opportunity of being heard to the petitioners.

**4.** Mr. Sharma, learned Standing Counsel for the respondent Nos. 1 to 8 submits that he has no objection in the event of disposing of this petition by directing the respondent No. 1, to dispose of the representation dated 21.01.2022, filed by the petitioners.

**5.** In view of the submissions made by learned Advocates of both sides and also considering the facts and circumstances on the record, and as agreed upon, this Court is inclined to dispose of this writ petition by directing the respondent No. 1 i.e. the Principal Secretary to the Government of Assam, Education (Elementary) Department, Dispur, Guwahati-6, to dispose of the representation dated 21.01.2022, filed by the petitioners, after affording an opportunity of being heard to the petitioners.

**6.** The aforesaid exercise has to be carried out within a period of three months from today.

**7.** In terms of above, this writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**