



GAHC010063582024



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

Case No. : WP(C)/1735/2024

ANOWAR HUSSAIN AND ANR
GRADUATE TEACHER, NEHRU ANCHALIK H.S., S/O- ASHUR UDDIN
AHMED, R/O- VILL. AND P.O. GUACHAKUCHI, DIST. BAKSA, ASSAM

2: MAHESH CH. KALITA
GRADUATE TEACHER
NEHRU ANCHALIK H.S.
S/O- LATE DHANI RAM KALITA
R/O- VILL.- DEBOCHARA THANGURI
DIST. BAKSA
ASSAM
PIN- 781333

VERSUS

THE STATE OF ASSAM AND 10 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, SECONDARY EDUCATION DEPARTMENT, DISPUR, GUWAHATI-
781006.

2:THE DIRECTOR OF EDUCATION

BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
P.O. AND DIST. KOKRAJHAR
ASSAM
PIN- 783370.

3:THE SECRETARY EDUCATION DEPARTMENT CUM CHAIRMAN
DEPARTMENTAL SELECTION COMMITTEE
B.T.C.
KOKRAJHAR
ASSAM
PIN- 783370.



4:THE INSPECTOR OF SCHOOLS

BAKSA DISTRICT CIRCLE
MUSHALPUR
P.O. AND DIST. MUSHALPUR
ASSAM
PIN- 781372.

5:APURBA SARMA
PROMOTED TO GIRISH VIDYAPITH SPL. HIGH SCHOOL

6:RANJIT BAISHYA
PROMOTED TO KHARUA MILON HIGH SCHOOL.

7:RAJU BARMAN
PROMOTED TO SUNDARPUR HIGH SCHOOL.

8:KARIM ALI
PROMOTED TO LAKHIMPUR HIGH SCHOOL.

9:PRADIP NATH
PROMOTED TO BHASKARJYOTI GIRLS HIGH SCHOOL.

10:KANDARPA HAJURI
PROMOTED TO KHAGRABARI ARUNODOI H.S.

11:GAUTAM RAJBONGSHI
PROMOTED TO SUBHA RAM HIGH SCHOOL
ADDRESS OF RESPONDENT NOS. 5 TO 11 ARE OF OFFICE OF THE
INSPECTOR OF SCHOOL
BAKSA
RESPONDENT NO. 4
P.O. MUSHALPUR
DIST. BAKSA
ASSA

Advocate for the Petitioner : MR. S Ali, MR K DAS

Advocate for the Respondent : SC, SEC. EDU., P HAZARIKA(R-6,7,8, 9, 10,11),MR P
BHARDWAJ(R-6,7,8, 9, 10,11),T CHAKMA(R-6,7,8, 9,10, 11),FOR CAVEATOR,MR N ALAM,MR
B B NARZARY,SC, BTC



Linked Case : WP(C)/1856/2024

KESHAB KALITA AND 6 ORS
S/O- ANANDA RAM KALITA

IN-CHARGE HEADMASTER

ANGARDHOWA HIGH SCHOOL

ANGARDHOWA
R/O- VILL. DIHJARI

NALBARI
ASSAM
PIN- 781369.

2: NARAYAN BASUMATARY
S/O- HONGLA RAM BASUMATARY

ASSISTANT TEACHER CUM I/C HEADMASTER

CHAPAGURI KAKLABARI HIGH SCHOOL
BAKSA

R/O- VILL. HAZUWA NEW COLONY

NO. 1 KAKLABARI
KOKILABARI FIRM

JALAH
BAKSA
ASSAM- 781330.

3: GADADHAR DAS
S/O- SRI PRASANA DAS

ASSISTANT TEACHER
CUM I/C HEADMASTER

PRAGATI HIGH SCHOOL
SONAPUR (DOOMNI)
BAKSA
ASSAM

R/O- P.O.- GANDHIPUR
BHALUKMARI
BAKSA



ASSAM
PIN- 781327.

4: SURENDRA NATH BASUMATARY
S/O- LATE DAUKHA BASUMATARY

IN-CHARGE HEADMASTER

BARBARI NEHRU HIGH SCHOOL

R/O- VILL. AND P.O.- DHANBIL

DIST.- BAKSA
ASSAM
PIN- 781343.

5: HAREN KHERKATARY
S/O- RATNESHWAR KHERKATARY

IN-CHARGE HEADMASTER

RUPAHI HIGH SCHOOL

R/O- VILL. MADHAPUR
BARPETA

ASSAM
PIN- 781318.

6: KABIN CHANDRA BORO
S/O- JONO RAM BORO

IN-CHARGE HEADMASTER OF UTTAR BETNA HIGH SCHOOL
MAHARIPARA

R/O- CHIRAKHUNDI
DEULKUCHI
DIST.- KAMRUP
PIN- 781354.

7: KEMCHAT BASUMATARY
S/O- CHAMTHALA BASUMATARY

IN-CHARGE HEADMASTER

BARIMAKHA HIGH SCHOOL
BARIMAKHA



VILL. AND P.O.- SILAKUTI
DIST.- BAKSA
ASSAM
PIN- 781333.
VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY

TO THE GOVT. OF ASSAM

DEPARTMENT OF SCHOOL EDUCATION (SECONDARY EDUCATION)

BLOCK-C
ASSAM CIVIL SECRETARIAT

JANATA BHAWAN
DISPUR
GUWAHATI

ASSAM
PIN -781006.

2:THE SECRETARY TO THE BTC
DEPARTMENT OF EDUCATION
BTC
KOKRAJHAR
ASSAM.

3:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
781019.

4:THE DIRECTOR OF EDUCATION
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM.

5:THE INSPECTOR OF SCHOOLS
BAKSA DISTRICT CIRCLE
BAKSA
MUSHALPUR
ASSAM

PIN- 781372.



Advocate for : MR. A K DUTTA
Advocate for : SC
SEC. EDU. appearing for THE STATE OF ASSAM AND 4 ORS

Linked Case : WP(C)/1991/2024

MINATI DAS RAJBONGSHI AND 7 ORS
W/O SRI. AMRIT CHANDTA RAJBONGSHI

R/O VILLAGE KHAGRABARI

P.O.KHAGRABARI
P.S. BARBARI

DISTRICT BAKSA
ASSAM.

2: SRI. PRADIP KUMAR BARO
S/O LATE LIBON CHANDRA BARO

R/O VILLAGE BARBARI

P.O. DHANBIL
P.S. BARBARI

DISTRICT BAKSA
ASSAM.

3: SRI. SUKUMAR BARMAN
S/O LATE RABI CHANDRA BARMAN

R/O VILLAGE LACHIMATTARY

P.O. ANANDA BAZAR
P.S. SALBARI

DISTRICT BAKSA
ASSAM

4: SRI. LOHIT CHANDRA DAS
S/O LATE RAMESH CHANDRA DAS

R/O VILLAGE SAUKUCHI

P.O. SAUKUCHI
P.S. BARAMA



DISTRICT BAKSA
ASSAM

5: SRI. SHIVA NATH DEKA
S/O LATE BHABENDRA NATH DEKA
R/O VILLAGE TAKURAKUCHI

P.O. BETBARI
P.S. SIMLA
DISTRICT BAKSA
ASSAM

6: SRI. BIJEN SWARGIARY
S/O SRI. BISTI SWARGIARY

R/O VILLAGE DAKSHIN BATABARI

P.O. JALAGAON
P.S. SIMLA

DISTRICT BAKSA
ASSAM

7: SRI. DILIP DAS
S/O LATE MAHENDRA DAS

R/O VILLAGE CHARNA

P.O. CHARNA BAZAR
P.S. SIMLA

DISTRICT BAKSA
ASSAM

8: SRI. PULIN KALITA
S/O LATE KHAGENDRA NATH KALITA

R/O VILLAGE BUNBARI

P.O. BUNBARI
P.S. MUSHALPUR

DISTRICT BAKSA
ASSAM
VERSUS

THE STATE OF ASSAM AND 36 ORS



REPRESENTED BY THE SECRETARY TO
THE GOVERNMENT OF ASSAM

DEPARTMENT OF SCHOOL EDUCATION

DISPUR
GUWAHATI 06.

2:THE SECRETARY
EDUCATION
DEPARTMENT CUM CHAIRMAN OF
DEPARTMENTAL
PROMOTION
COMMITTEE
BODOLAND TERRITORIAL
COUNCIL (B.T.C.)
KOKRAJHAR.

3:THE DIRECTOR OF EDUCATION
BODOLAND TERRITORIAL COUNCIL

KOKRAJHAR.

4:INSPECTOR OF SCHOOLS
BAKSA
DISTRICT CIRCLE
MUSHALPUR

5:SECRETARY

FINANCE
DEPARTMENT
BODOLAND TERRITORIAL
COUNCIL
KOKRAJHAR.

6:THE STATE SELECTION BOARD
THROUGH THE CHAIRMAN I.E. THE
COMMISSIONER AND SECRETARY TO
THE GOVERNMENT OF ASSAM
(SECONDARY)
EDUCATION
DEPARTMENT
DISPUR
GUWAHATI 6

7:SRI. KAMAKHAYA KALITA
HEADMASTER



SWAHID KHARGESWAR
TALUKDAR HIGH SCHOOL.

8:SRI. LAKSHMI NANDAN RAJBONGSHI

HEADMASTER
KALBARI HIGH SCHOOL

9:SRI. BANAMALI KAKATI
HEADMASTER
ULUBARI HIGH SCHOOL

10:SRI. KULEN CHANDRA NATH
HEADMASTER
BARTARI HIGH SCHOOL

11:SRI. APURBA SARMA
HEADMASTER

GIRISH VIDYAPITH
(SPL) HIGH SCHOOL.

12:SRI. RABEN RABHA
HEADMASTER

KHATARBARI HIGH SCHOOL.

13:SRI. RANJIT BAISHYA
HEADMASTER
KHARUA MILAN HIGH
SCHOOL.

14:SRI. RAJU BARMAN
HEADMASTER
SUNDARPUR HIGH
SCHOOL.

15:. SRI. MAJAMMAL HOQUE
HEADMASTER
UTTAR GOBARDHANA
HIGH SCHOOL.

16:SRI. BISWAJIT DAS
HEADMASTER
PUB KHARIJA BIJNI
HIGH SCHOOL.



17:SRI. KARIM ALI
HEADMASTER
MANASHA MILAN HIGH
SCHOOL.

18:SRI. KANDARPA KUMAR NATH
HEADMASTER

LAKHIMI
HIGH SCHOOL.

19:SRI MANOJ KUMAR BARO
HEADMASTER
MADHYA HOWLY BODO MEDIUM HIGH SCHOOL

20:SRI GHANASHYAM DAS
HEADMASTER
MADHYA HOWLY HIGH SCHOOL

21:MD. TAZUDDIN AHMED
HEADMASTER
KAURBAHA NAVAMILAN HIGH SCHOOL

22:SRI AMULYA KUMAR DAS
HEADMASTER
SATI JAYMATI HIGH SCHOOL

23:SRI NAYAN MEDHI
HEADMASTER
BEBEJIPARA HIGH SCHOOL

24:SRI MARMESWAR BASUMATARY
HEADMASTER
GOLAGAON HIMACHAL HIGH SCHOOL

25:RABIN TALUKDAR
HEADMASTER
KOKLABARI GIRLS HIGH SCHOOL

26:SRI. JOGEN CHANDRA RAJBONGSHI

HEADMASTER
HIGH BARKHOPA

SCHOOL.

27:SRI. MAKAN BARMAN



HEADMASTER
SINGIMARI HIGH
SCHOOL
GORESWAR.

28:SRI. BIPUL CHANDRA KALITA

HEADMASTER
MADHYA BIJNI HIGH
SCHOOL.

29:SRI. NARESWAR DAS
HEADMASTER
SANTI MANDIR HIGH
SCHOOL.

30:SRI. DEBABRATA CHANDRA DAS

HEADMASTER

MAIRAJHAR
BRAHMAMAYEE HIGH SCHOOL.

31:SRI. CHABIN GOYARY

HEADMASTER
SILBARI HIGH SCHOOL

32:SRI. BINALI NARZARY

HEADMASTER
JND MILAN HIGH
SCHOOL.

33:SRI NRIPEN PATHAK
HEADMASTER
SRI SRI LAKSHMI
HIGH SCHOOL
UZIAR BAZARI

34:SRI CHIJEN GOYARI
HEADMASTER
HIMGIRI BODO MEDIUM
HIGH SCHOOL

35:SRI SIRAJ ALI



HEADMASTER
KUMARIKATA
HIGH SCHOOL
KUMARIKATA

36:SRI SANJAY KUMAR MEDHI
HEADMASTER
BARSIRAL
HIGH SCHOOL

37:SRI MAINUL KHANDAKAR
HEADMASTER
LAKHIMI PATHER
HIGH SCHOOL

Advocate for : MR. S K GOSWAMI
Advocate for : SC
BTC appearing for THE STATE OF ASSAM AND 36 ORS

Linked Case : WP(C)/2339/2024

ANANTA KUMAR ROY
SON OF LATE RADHA KANTA ROY
ASSISTANT HEADMASTER (RETIRED ON 31.03.2023) FROM JALAH HIGH
SCHOOL
P.O. JALAHGHAT
IN THE DISTRICT OF BAKSA
ASSAM
PIN- 781327

VERSUS

THE STATE OF ASSAM AND 10 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
SECONDARY EDUCATION DEPARTMENT
DISPUR
GUWAHATI- 781006

2:THE SECRETARY
EDUCATION DEPARTMENT - CUM - CHAIRMAN
DEPARTMENTAL PROMOTION COMMITTEE
BODOLAND TERRITORIAL COUNCIL (BTC)
KOKRAJHAR



P.O. AND DISTRICT- KOKRAJHAR
ASSAM
PIN- 783370

3:THE DIRECTOR OF EDUCATION
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
P.O. AND DISTRICT- KOKRAJHAR
ASSAM
PIN- 783370

4:THE INSPECTOR OF SCHOOLS
BAKSA DISTRICT CIRCLE (BDC)
MUSHALPUR
P.O. AND DISTRICT- MUSHALPUR
ASSAM
PIN- 781372

5:SHRI APURBA SARMA
PROMOTED TO THE POST OF HEAD MASTER AT GIRISH VIDYAPITH SPL.
HIGH SCHOOL

6:RANJIT BAISHYA
PROMOTED TO THE POST OF HEAD MASTER AT KHARUA MILON HIGH
SCHOOL

7:RAJU BARMAN
PROMOTED TO THE POST OF HEAD MASTER AT SUNDARPUR HIGH
SCHOOL

8:KARIM ALI
PROMOTED TO THE POST OF HEAD MASTER AT LAKHIMPUR HIGH
SCHOOL

9:PRADIP NATH
PROMOTED TO THE POST OF HEAD MASTER AT BHASKARJYOTI GIRLS
HIGH SCHOOL

10:KANDARPA HAJURI
PROMOTED TO THE POST OF HEAD MASTER AT KHAGRABARI ARUNODOI
H.S.

11:GAUTAM RAJBONGSHI
PROMOTED TO THE POST OF HEAD MASTER AT SUBHA RAM HIGH
SCHOOL
ADDRESSES OF RESPONDENT NOS. 5 TO 11 ARE OF OFFICE OF THE
INSPECTOR OF SCHOOL
BAKSA



RESPONDENT NO.4
P.O. MUSHALPUR
DISTRICT- BAKSA
ASSAM
PIN-

Advocate for : MR. S Ali
Advocate for : SC
SEC. EDU. appearing for THE STATE OF ASSAM AND 10 ORS

Linked Case : WP(C)/1736/2024

MRIGENDRA NATH KALITA AND ANR
IN-CHARGE HEADMASTER
GIRISH VIDYAPITH SPL. HIGH SCHOOL
S/O- LATE KHAGENDRA NATH KALITA
R/O- VILL.- DALAJANI
P.O. ANANDA BAZAR
DIST. BAKSA
ASSAM

2: RUBUL RAY CHAUDHURY
SENIOR MOST GRADUATE TEACHER
GIRISH VIDYAPITH SPL. HIGH SCHOOL
S/O- LATE GOLOK RAY CHAUDHURY
R/O- VILL. AND P.O. DIRUA
DIST. BAKSA
ASSAM/
VERSUS

THE STATE OF ASSAM AND 10 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
SECONDARY EDUCATION DEPARTMENT
DISPUR
GUWAHATI-781006.

2:THE DIRECTOR OF EDUCATION

BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
P.O. AND DIST. KOKRAJHAR
ASSAM
PIN- 783370.

3:THE SECRETARY EDUCATION DEPARTMENT CUM CHAIRMAN



DEPARTMENTAL SELECTION COMMITTEE
B.T.C.
KOKRAJHAR
ASSAM
PIN- 783370.

4:THE INSPECTOR OF SCHOOLS

BAKSA DISTRICT CIRCLE
MUSHALPUR
P.O. AND DIST. MUSHALPUR
ASSAM
PIN- 781372.

5:APURBA SARMA
PROMOTED TO GIRISH VIDYAPITH SPL. HIGH SCHOOL

6:RANJIT BAISHYA
PROMOTED TO KHARUA MILON HIGH SCHOOL.

7:RAJU BARMAN
PROMOTED TO SUNDARPUR HIGH SCHOOL.

8:KARIM ALI
PROMOTED TO LAKHIMPUR HIGH SCHOOL.

9:PRADIP NATH
PROMOTED TO BHASKARJYOTI GIRLS HIGH SCHOOL.

10:KANDARPA HAJURI
PROMOTED TO KHAGRABARI ARUNODOI H.S.

11:GAUTAM RAJBONGSHI
PROMOTED TO SUBHA RAM HIGH SCHOOL
ADDRESS OF RESPONDENT NOS. 5 TO 11 ARE OF OFFICE OF THE
INSPECTOR OF SCHOOL
BAKSA
RESPONDENT NO. 4
P.O. MUSHALPUR
DIST. BAKSA
ASSAM

Advocate for : MR. S Ali
Advocate for : SC
SEC. EDU. appearing for THE STATE OF ASSAM AND 10 ORS



B E F O R E
HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI
JUDGMENT & ORDER

Advocates for the petitioners : Shri S. Ali, Advocate
Shri B. Purkayastha, Advocate
Shri S.K. Goswami, Advocate

Advocates for the respondents : Shri S. Bora, SC, BTC.
Shri B.B. Narzary, Senior Counsel assisted by S.
Chouhan,
Ms. K. Devi,
Shri J. Kalita,
Shri P.K. Das.

Date of hearing : 12.06.2025

Date of judgment : 12.06.2025

Considering the subject matter involved and the stand of the BTC made in the affidavit filed in one of the writ petition namely, WP(C)/1735/2024, all these writ petitions are taken up for disposal at the admission stage itself. The same pertains to selection and appointment of the post of Headmasters in provincialised High Schools in the district of Baksa.

2. To state in brief, the petitioners who in total are 20 in numbers in all these 5 (five) petitions are aggrieved by the selection and appointment of the private respondents in a recruitment exercise conducted by the authorities. The primary



ground of challenge is violation of the Rules in question namely, the Assam Secondary Education (Provincialised Schools) Service Rules, 2018. It is contended that Rule 14 of the said Rules laid down the procedure for recruitment of Headmaster / Superintendent and the selection and appointment have been made in gross violation of the said procedure. On the other hand, the stand of the respondent authorities is that there is substantial compliance of the Rules and the most suitable candidates were appointed.

3. I have heard Shri S. Ali, learned counsel for the petitioner in WP(C)/1735/2024, WP(C)/1736/2024 and WP(C)/2339/2024; Shri B. Purkayastha, learned counsel for the petitioner in WP(C)/1856/2024 and Shri S.K. Goswami, learned counsel for the petitioner in WP(C)/1991/2024. I have also heard Shri S. Bora, learned Standing Counsel, BTC; Shri B.B. Narzary, learned Senior Counsel assisted by S. Chouhan, learned counsel for the respondent no. 5 in WP(C)/1735/2024, WP(C)/1736/2024 and WP(C)/2339/2024 and as respondent no. 11 in WP(C)/1991/2024; Ms. K. Devi, learned counsel appearing for the respondent nos. 18, 35 and 36 in WP(C)/1991/2024, Shri J. Kalita, learned counsel for the respondent nos. 22, 23 and 25 in WP(C)/1991/2024 and Shri P.K. Das, learned counsel appearing for the respondent nos. 24, 26 to 34 in WP(C)/1991/2024. Shri Bora, the learned Standing Counsel has clarified that in this bunch of cases, affidavit-in-opposition has been filed in WP(C)/1735/2024 which would cover all the cases. He has also submitted that part of the records is also available with him which however do not contain the note sheets.

4. The learned counsel for the petitioners has drawn the attention of this



Court to Section 14 of the aforesaid Rules and has contended that the selection has to be done on the basis of seniority. Attention of this Court have been drawn to the Gradation List to establish that the petitioners are senior to the private respondents and therefore, they ought to have been selected and appointed unless compelling circumstances existed which also are required to be recorded by the authorities which have not been done. It is submitted that the selection has been done based on the whims and caprices of the authorities in gross violation of the Rules.

5. The learned counsel for the petitioners have referred to the affidavit-in-opposition filed by the BTC which has been mentioned above wherein the Minutes of the Meeting of the Departmental Promotion Committee dated 04.03.2024 has been annexed. It is submitted that the said Minutes has only recorded the eligibility criteria and no reasons have been cited as to how the selection was made or that the rigors of Rule 14 were followed in a strict manner. The learned counsel accordingly submits that the writ petitions be allowed and the petitioners be given the benefit of selection and appointment on the basis of the seniority and in accordance with the Rules holding the field.

6. *Per contra*, Shri Bora, the learned Standing Counsel has submitted that the Departmental Promotion Committee in its meeting dated 04.03.2024 had deliberated the matter and thereafter had made the selection. He has submitted that the members are experts and opinions rendered by experts may not be interfered by this Court as the same are within the dominion of the said body. He has also submitted that Rules have been substantially complied with.



7. The learned counsel for the private respondents have endorsed the submission of the learned Standing Counsel, BTC and has contended that and the selection was done in a fair manner. They have further submitted that the private respondents cannot be put at fault as there is no allegation that they do not fulfill the eligibility criteria

8. The rival submissions have been duly considered and the materials placed before this Court have been carefully examined.

9. Rule 14 of the Rules of 2018 lay down the procedure for recruitment to the post of Headmaster / superintendent. For ready reference, the said Rule is extracted herein below:

”14. Recruitment to the post of Head Master/ Superintendent and procedure thereof:-

(1) *The post of Headmaster of a High School and Superintendent of a High Madrassa shall be filled up by promotion from the candidates amongst the Graduate Teachers as per District-wise seniority list on the recommendation of the District Selection Committee constituted under Rule 16(2). The selection of Headmaster and Superintendent shall be based upon seniority and satisfactory Annual Confidential Report for last 3 consecutive years as per procedure provider under sub-rule (3): Provided that the seniority of the Graduate Teacher shall be determined from the date of receiving Graduate scale of pay by the respective Assistant Teacher .”*

(2) *Eligibility for the post of Headmaster/ Superintendent in High School/High Madrassa as the case may be shall be as follows:-*

(a) He must be B.A/B.Sc/B.Com with B.T/B.Ed degree from



any recognized University. In respect of Hindi Teacher having degree qualification, the Hindi 'Parangat' and Nishanar' shall be considered instead of B.T/B.Ed

(b) He must have at least 10 years of teaching experience as Graduate Teacher:

Provided that the Graduate teacher shall include the cadre of Assistant Headmaster for the purpose of selection to the post of Headmaster and the seniority of the Assistant Headmaster shall be counted from the date of joining as Graduate Teacher with graduate scale of pay:

Provided further that in case of amalgamated High School where ME/MV school has been amalgamated, the Assistant Headmaster is eligible for selection as Head- master subject to the condition that the incumbent should have at least 15 years of teaching experience as graduate teacher including the period of service in the erstwhile ME/MV School

(3) *(i) Before the end of the year the Inspector of Schools shall make an assessment of the number of vacancies to be occurred in the cadres of Headmaster/ Superintendent and to be filled up by promotion in the next year;*

(ii) The Inspector of Schools shall call particulars in the prescribed format of the eligible candidates/teachers for filling up of the vacancies through promotion. The Member- Secretary shall hold the process of the applications and submit them to the District Selection Committee;

(iii) The District Selection Committee shall hold interview category wise and prepare a panel of select list double the number of vacancies of the concerned district;

(iv) The select list so prepared by the District Selection Committee shall



be submitted to the State Selection Board, The State Selection Board after necessary verification as may be required, shall prepare a district- wise select list equal to the number of vacancies and publish the same in the office notice Board or in such other places as the Director may consider fit and proper;

(v) After publication of the select list, the Appointing Authority shall issue promotion order from the approved select list;

(vi) The validity of the select list shall not exceed beyond one year from the date of its publication by the Director.”

10. The Rule, in clear terms has laid down that the said post would be filled up by promotion from Graduate Teachers on a district wise seniority list on the recommendation of the Selection Committee and the selection of Headmaster and Superintendent shall be based upon the seniority and satisfactory Annual Confidential Report for last 3 (three) consecutive years. The *proviso* to the aforesaid Rules has also clarified that the seniority of Graduate Teachers would be reckoned from the date of receiving graduate scale of pay by the respective Assistant Teachers.

11. The learned Standing Counsel has contended that Rule 14 (3) is also to be taken into consideration. While such contention may be correct, the criteria is laid down in 14 (1) and Rules 14 (3) is only the procedure to be followed as well as the eligibility conditions including as to how the nos. of vacancies are to be assessed and the particulars of the candidates to be taken into consideration.

12. It is not in dispute that the criteria for such promotion is the seniority and satisfactory Annual Confidential Report.



13. In all the writ petitions, there is a clear averment that the petitioners are senior to the private respondents in the Gradation List of the district in question, namely, Baksa. So far as WP(C)/1735/2024 is concerned where the affidavit-in-opposition has been filed, such statement has been made in paragraph 21. However, the said averments which forms the fulcrum of the present dispute has not been denied at all. Rather, in paragraph 6 of the said affidavit-in-opposition, the following statement has been made.

“That as regard to the statements made in paragraph 19, 20 and 21 of the writ petition answering deponent begs to offer no comment.”

14. Since the stand of the decision making authorities which is on record has not disputed the very basis of the present challenge and the records placed before this Court would *prima facie* show that the petitioners are placed above the private respondents, this Court is of the opinion that a case for interference is made out.

15. However, considering that only 20 nos. of petitioners are before this Court, it is directed that the cases of the petitioner be re-considered in terms of their seniority and the procedure laid down in the aforesaid Rule 14 and if they are found to be senior to any persons who have been selected, such persons have to give way to the petitioners to make their appointments. It is further clarified that since the Select List pertains to the entire Baksa district, the displacement has to be done from the bottom of the list of the selected candidates.



16. The aforesaid exercise be conducted within a period of 2 (two) months from today.

17. Writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant