

GAHC010109062014



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

WP(C) 1445/2012

1:SRI BISWAJIT BORBORAH
S/O LATE NARENDRA NATH BORBORAH
R/O BANIPUR
BYE-LANE NO.9
P.O. BANIPUR
DIST- DIBRUGARH
ASSAM
PIN-786003

VERSUS

1:THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER and SECRETARY
TO THE GOVT. OF ASSAM
EDUCATION SECONDARY DEPARTMENT
DISPUR
GHY-6

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GHY-19

3:DY. DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GHY-19

4:INSPECTOR OF SCHOOLS
DIBRUGARH
DISTRICT CIRCLE

DIBRUGARH
ASSAM
PIN-786001

5:ANJAN KR. GOGOI
ASSTT. TEACHER
PUBLIC HIGH SCHOOL
DIBRUGARH
ASSAM
PIN-786001

Advocate for the Petitioner : MR.N K BARUA
Advocate for the Respondent : MRG DEKA

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 27-04-2018

Heard Mr. U.J. Saikia, learned counsel for the petitioner. Also heard Mr. P.K.R. Choudhury, learned counsel for the respondent No.5 as well as Mr. N. Sarma, learned standing counsel for the Secondary Education Department.

By this writ petition, the order dated 16.03.2012 of the Director of Secondary Education, Assam has been assailed. By the said order, the respondent No.5 was promoted to the post of Headmaster of Public High School in the Dibrugarh district. The petitioner raises a claim that otherwise, the petitioner is senior to the respondent No.5 and therefore, the order promoting the respondent No.5 is vitiated. On the other hand, the respondent takes a stand that the petitioner does not have the BT and B.E.d qualification and therefore, he is ineligible for promotion for the post of Headmaster.

It is stated that the requirement of BT and B.E.d as an essential qualification has been settled by the Division Bench by its order 31.07.2017 in WP(C) No. 1526/2012. As the issue has been settled that BT and B.E.d is an essential qualification and as the petitioner admittedly does not have the required qualification, therefore, the claim of the petitioner that he was entitled to have been promoted to the post of Headmaster on the basis of being the senior most teacher, is unacceptable.

In view of the above, writ petition stands dismissed.

Interim order, if any, passed earlier stands vacated.

JUDGE

Comparing Assistant