

GAHC010025562015



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

Case No. : WP(C) 7006/2015

1:MD. SOHIDUR RAHMAN
S/O. SAFIULLAH SHEIKH, VILL. CHALBANDA, P.O. BARKANDA, DIST.
DHUBRI, ASSAM.

VERSUS

1:THE STATE OF ASSAM and 3 ORS,
REP. BY THE SECY. TO THE GOVT. OF ASSAM, SECONDARY EDUCATION
DEPTT., DISPUR, GHY.-06.

2:THE DIRECTOR
HIGHER SECONDARY EDUCATION
ASSAM
KAHILIPARA
GHY.-19.

3:THE INSPECTOR OF SCHOOLS
DHUBRI DIST. CIRCLE
DIST. DHUBRI
ASSAM.

4:THE PRINCIPAL
BARKANDA PEOPLES' ACADEMY H.S. SCHOOL
P.O. BARKANDA
DIST. DHUBRI
ASSAM
PIN-783348

Advocate for the Petitioner : MR.P P BARUAH

Advocate for the Respondent : MSA PHUKAN

**BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

Date : 30-08-2018

Heard Mr. R Sarma, learned counsel for the petitioner and Mr. C Bhattacharjee, learned Standing counsel, Secondary Education Department for the respondent Nos. 1 to 3.

Matter relates to selection and appointment to the post of Grade-IV in Barkanda Peoples' Academy Higher Secondary School, Barkanda, District-Dhubri, a provincialised Higher Secondary School.

In this writ petition, the petitioner has prayed for a direction to the State respondents to appoint him to the post of Grade-IV in said Barkanda Peoples' Academy H.S. School, Dhubri as per the selection held earlier and in terms of the order dated 27.11.2013 passed by this Court in WP(C) Nos. 5798/2012 and 3909/2013.

While disposing of said WP(C) Nos. 5798/2012 and 3909/2013 preferred by one Ashraful Alom, the Court on 27.11.2013 observed that the said writ petitioner appeared in the *Viva-Voce* test for the post of Grade-IV as advertised in said Barkanda Peoples' Academy H.S. School and in terms of the earlier order of the Court dated 09.09.2013 passed in Misc. Case No. 3245/2013 filed in said WP(C) No. 3909/2013, the authority of said Barkanda Peoples' Academy H.S. School was allowed to hold the *Viva-Voce* test for the said vacancy, wherein it was specified that candidature of 'Sahidul Islam' with 'Roll No. 19' and 'Ali Hussain' with 'Roll No. 46' shall not be considered for the *Viva-Voce* test as those two candidates appeared in the written test by impersonation. Accordingly, the *Viva-Voce* test for the said post in the said HS School was conducted without those two candidates.

The Court as found that those two candidates who were responsible for impersonation were excluded from the said selection process, came to the conclusion that merely because one candidate was impersonating the other, as such, the entire selection need not be set aside and by the order dated 27.11.2013, the Court while disposing of said writ petitions being WP(C) Nos. 5798/2012 and 3909/2013 directed the School Selection Committee as well as the Principal of Barkanda Peoples' Academy H.S. School to make appointment pursuant to the selection that was already conducted in terms of Court's order dated 09.09.2013 passed earlier in the Misc. Case No. 3245/2013 in WP(C) No. 3909/2013.

As the school authority of said Barkanda Peoples' Academy H.S. School had already completed

the selection process for recruitment to the vacant sanctioned post of Grade-IV as advertised on 10.11.2012, the respondent No. 4, the Member Secretary of the School Selection Committee cum Principal of Barkanda Peoples' Academy H.S. School, District-Dhubri is directed to forward the recommendation of the Selection Committee to the Inspector of Schools, Dhubri District Circle, Dhubri forthwith, if not done earlier. Thereafter, the Inspector of Schools, Dhubri District Circle, Dhubri, respondent No. 3 on verification of the selection record, shall submit the necessary report with his recommendation and school selection record before the Director of Secondary Education, Assam, for necessary approval including the SIU approval for appointment of the selected candidate to the said Grade-IV post in Barkanda Peoples' Academy H.S. School, District-Dhubri, who in turn shall accord/grant necessary approval on verification of records, in accordance with law and the recruitment Rules as applicable.

The Director of Secondary Education, Assam, respondent No. 2; the Inspector of Schools, Dhubri District Circle, Dhubri, respondent No. 3 and the Principal of Barkanda Peoples' Academy H.S. School, Dhubri, respondent No. 4, shall complete the entire exercise within a period of 2 (two) months from today not later than 31st October, 2018 and shall appoint the selected candidate to the post of Grade-IV in Barkanda Peoples' Academy H.S. School, Dhubri by taking necessary approval from the Commissioner & Secretary, Secondary Education Department, respondent No. 1 as well as the Finance Department of the State.

With the aforesaid observation and direction, this writ petition stands disposed of.

The petitioner shall submit certified copies of this order before the Director of Secondary Education, Assam as well as the Inspector of Schools, Dhubri District Circle, Dhubri forthwith.

A copy of this order shall also be furnished to Mr. Abani Deka, Standing Counsel, Education Department forthwith for necessary compliance of the order.

JUDGE

Comparing Assistant