

GAHC010056222022



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

Case No. : WA/107/2022

GUNAIPANI M.E. MADRASSA AND ANR.
REP. BY ITS HEADMASTER CUM SECRETARY, NAMELY ABUL HOSSAIN,
VILL- BAULURI, P.O. CHIRAKUTI BAZAR, P.S. FAKIRGANJ, DIST.- DHUBRI,
ASSAM

2: ABUL HOSSAIN
S/O- MD. MONIRUDDIN
SOCIAL STUDIES TEACHER
GUNAIPANI M.E. MADRASSA
VILL- BAULURI
P.O. CHIRAKUTI BAZAR
P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 78333

VERSUS

THE STATE OF ASSAM AND 8 ORS.
REP. BY THE COMM. AND SECY., GOVT. OF ASSAM, ELEMENTARY
EDUCATION DEPTT., DISPUR, GHY-6

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

3:THE DISTRICT LEVEL COMMITTEE
REP. BY ITS CHAIRMAN CUM DY. COMMISSIONER
DHUBRI (ASSAM)

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DHUBRI
ASSAM

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
SOUTH SALMARA BLOCK
NAGABANDHA
P.O. SOUTH SALMARA
DIST.- DHUBRI
ASSAM

6:THE CLUSTER RESOURCE CO-ORDINATOR
CHIRAKUTI
ASSAM SARBA SIKSHA ABHIJAN MISSION
BLOCK- SOUTH SALMARA
DIST.- DHUBRI
ASSAM

7:CHAN MIYA
S/O- LT. INSAN ALI
HEADMASTER GUNAIPANI M.E. MADRASSA
ASSTT. TEACHER SOCIAL STUDIES
VILL- TARANGAJHAR
P.O. JAMADARHAT
P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

8:RABIAL HOQUE
S/O- LT. NISHAN ALI
ASSTT. ASSAMESE TEACHER
GUNAIPANI M.E. MADRASSA
P.O. CHIRAKUTI BAZAR
P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

9:RUPCHAND ALI
S/O- BILAT ALI
SCIENCE TEACHER
GUNAIPANI M.E. MADRASSA
VILL- KUMRI
P.O. CHIRAKUTI BAZAR
P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 78333

Advocate for the Petitioner : MR. M U MAHMUD
Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 31-03-2022

Heard Mr. M.U. Mahmud, learned counsel for the appellants. Also heard Mr. B. Kaushik, learned standing counsel, Education (Elementary) Department.

This appeal has been filed challenging the order dated 10.03.2022 passed in I.A.(C) 1090/2021 by which the learned Single Judge vacated the interim order dated 31.03.2021 passed in WP(C) 2282/2021, which was filed by the present appellants.

Initially the interim order was granted to the writ petitioners/present appellants by this Court in the said writ petition directing not to give effect to the provincialisation of services of respondent nos.7, 8 and 9. Subsequently, the private respondent nos.7, 8 and 9 moved the interlocutory application for vacating the interim order and the learned Single Judge by the impugned order vacated the interim order passed on 31.03.2021.

Since the impugned order is interlocutory in nature and the entire records of the matter are before the learned Single Judge and the subject matter is with regard to the provincialisation of services of the writ petitioners as well as the private respondent nos.7, 8 and 9, the matter has to be finally adjudicated by the learned Single Judge, we are therefore not inclined to interfere in the matter at this stage and we dispose of this appeal with a request to the learned Single Judge to decide the writ petition as expeditiously as possible.

JUDGE

CHIEF JUSTICE

Comparing Assistant