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

Case No. : Review.Pet./86/2026

THE DIRECTOR OF SECONDARY EDUCATION, ASSAM AND ANR.
KAHILIPARA, GUWAHATI-781019ASSAM

2: THE INSPECTOR OF SCHOOLS
GOALPARA DISTRICT CIRCLE
GOALPARA
BHALUKDUBI
ASSAM
PIN-78312

VERSUS

JAKIR HUSSAIN
S/O. MD. EYASHIN ALI, R/O. PRAGATI NAGAR, P/O. BHALUKDUBI, P/S. GOALPARA, DIST. GOALPARA, PIN-783101, ASSAM

Advocate for the Petitioner : MR. U SARMA,

Advocate for the Respondent : MR. S K DAS, MR R KARIM

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 14.10.2026

Heard Mr. U. Sarma, learned counsel, appearing for the petitioners. Also heard Mr. S.K. Das, learned counsel,

appearing for the sole respondent/writ petitioner.

2. The present Review Petition, has been instituted praying for a review of the order dated 22.01.2025 passed by this Court in WP(C).No.3272/2024.

3. The respondent, herein, as petitioner had instituted WP(C).No.3272/2024, *inter alia*, assailing an order dated 19.06.2024, by which the petitioner was relieved from the charge of the post of Principal of Krishnai Higher Secondary School, Goalpara. The petitioner in the said writ petition, has further prayed for a direction upon the respondent authorities to allow him to continue as the In-Charge Principal of the said school, till the post is filled up on regular basis.

4. The post of Principal in the school, in question, having falling vacant, the Director of Secondary Education, Assam, had directed the jurisdictional Inspector of Schools to hold the charge of the school, in question. Accordingly, the jurisdictional Inspector of Schools, took over the charge of the post of Principal of the said school. Upon taking over such charge, jurisdictional Inspector of Schools, vide order dated 12.04.2022, had proceeded to appoint the petitioner, in the writ petition, who is a Post Graduate Teacher, to look after the academic aspect of the school in addition to his normal duties. Thereafter, vide a communication dated 30.05.2023, the jurisdictional Inspector of Schools, proceeded to request the Director of Secondary Education, Assam, to relieve him from the charge of In-Charge Principal of the school, in question, on the ground that in view of the work load which is required to be

discharged by him as the Inspector of Schools, he was not in a position, to render satisfactory service as the Principal In-Charge of Krishnai Higher Secondary School.

5. The Director of Secondary Education, Assam, accordingly accepting the request made by the jurisdictional Inspector of Schools vide communication dated 30.05.2023, proceeded vide order dated 04.07.2023 to allow the petitioner in the writ petition, to hold the charge of the post of Principal, and release the jurisdictional Inspector of Schools, from the said post. Thereafter, it is seen that basing on certain allegations leveled against the petitioner in the writ petition, enquiries were held in the matter both by the Departmental Authorities as well as the Office of the jurisdictional Deputy Commissioner. The petitioner in the writ petition, was not found guilty of the allegations leveled against him and accordingly, reports came to be submitted, exonerating the petitioner in the writ petition from the allegation so leveled against him. It is after the said developments had taken place that the jurisdictional Inspector of Schools had approached the Director of Secondary Education, Assam, *inter alia*, doubting the capability of the petitioner in the writ petition to discharge his duties as Principal In-Charge of the School, in view of the allegation leveled against him from the local people from time to time, and further it was observed that the petitioner in the writ petition was facing difficulty in running the school smoothly as he had failed to obtain the support of the teaching and non teaching staff of the school as well as the local people.

6. Basing on the said report submitted in the matter by

the Jurisdictional Inspector of Schools, the Director of Secondary Education, Assam, vide order dated 19.06.2024, proceeded to relieve the petitioner in the writ petition from the charge of the post of Principal of the school, in question, and again directed the jurisdictional Inspector of Schools to hold the charge of the post, in question. In the said order, it was further directed that the jurisdictional Inspector of Schools being the appointing-cum-Disciplinary Authority, to initiate Disciplinary Proceedings against the petitioner in the writ petition, based on the report submitted by him in the matter and to conclude the same within the stipulated time frame.

Being aggrieved, the respondent/writ petitioner had instituted the connected writ petition.

7. This Court on a consideration of the issue arising in the said writ petition, had proceeded vide Judgment & Order dated 22.01.2025, to dispose of the said Writ Petition i.e. WP(C).No.3272/2024, interfering with the order dated 19.06.2024, issued by the Director of Secondary Education, Assam.

Being aggrieved by the said Judgment & Order dated 22.01.2025, the respondent authorities/review petitioners have instituted the present proceeding.

8. Mr. U. Sarma, learned counsel for the Review Petitioners, reiterating the facts, noticed, hereinabove, has submitted that on a re-consideration of the matter, it had come to the notice of the review petitioners/respondent authorities, that the petitioner in the writ petition did not fulfill the requisite

eligibility criteria with regard to teaching experience, for being permitted to hold the charge of the post of Principal of the School, in question. It is submitted that in terms of the provisions of Rule 12 of the Assam Secondary Education (Provincialised Schools) Service Rules, 2018, the respondent/writ petitioner being a Post Graduate Teacher did not have a teaching experience of 15 (fifteen) years as Post Graduate Teacher, for being eligible to be considered for appointment against the post of Principal of the School, in question. It is submitted that even for holding the charge of the post of Principal, in question, the eligibility criteria as set out in the provisions of Rule 12 of the said Rules of 2018, was mandated to be so satisfied by the candidate concerned, which in the present case is the respondent. Accordingly, Mr. U. Sarma, prays for a review of the directions passed by this Court vide the Judgment & Order dated 22.01.2025 in WP(C).No.3272 /2024.

9. Per contra Mr. S. K. Das, learned counsel, for the respondent, has submitted that the review petitioners, herein, have not highlighted any error existing in the Judgment & Order dated 22.01.2025 passed by this Court in WP(C).No.3272/2024, requiring the review of the same. It is further submitted by Mr. Das that the issue now raised by the petitioners in the present review petition was never urged before this Court when the writ petition, **being WP(C) No. 3272/2024,** was taken up for final consideration. Accordingly, he submits that **the present review petition, being based on a ground not urged** before this Court in the connected

writ petition, **would** not mandate a consideration on merits.

9.1. Mr. Das, has further submitted that while the Review Petitioners have projected that the respondent did not have the requisite teaching experience for the purpose of holding the post of Principal, even on In-Charge basis, have not further projected that there was any other teacher working in the said school who had the said qualification. Mr. Das, submits that in the school, in question, there is no other teacher having fulfilling all the eligibility criteria set out in the provisions of Rule 12 of the Rules of 2018 and accordingly, the respondent/writ petitioner having the requisite educational & professional qualification, was allowed to hold the charge of the post of Principal of the school, in question, which is not erroneous.

9.2. Mr. S.K. Das, further submits that the Director of Secondary Education, Assam, while issuing the order dated 04.07.2023, permitting the writ petitioner to hold the charge of the post of Principal, had before her the seniority list along with the particulars of teachers working in the said school, and accordingly, the Review Petitioners cannot urge that the said aspect of the matter was not known to them when the respondent/writ petitioner was initially appointed as the In-charge Principal of the School, in question.

9.3. In the above circumstances, Mr. S.K. Das, submits that the present review petition would not mandate a consideration on merits and the same would be required to be dismissed *in limine*.

10. I have heard the learned counsel for the parties and also perused the materials available on record.

11. The background leading to the institution of the connected writ petition being WP(C).No.3272/2024 is not disputed. This Court on a consideration of the issue arising in the said writ petition had proceeded with Judgment & Order dated 22.01.2025, to allow the same by interfering with the order impugned, therein, i.e., the order dated 19.06.2024. This Court in this connection had drawn the following conclusions;

> "*16. Pursuant to the petitioner being allowed to hold the charge of the post of Principal of the said school, vide order, dated 04.07.2023, issued by the Director, Secondary Education Department, Assam, complaints came to be made against the petitioner from various quarters. Although the petitioner has contended that the said complaints were so lodged by persons having vested interest in the matter; this Court is of the view that the complaints so lodged against the petitioner, would have to be taken into consideration. The said complaints that were so received against the petitioner was also the contents of an article published in a local daily i.e. "Dainik Agradoot", in its issue, dated 03.12.2023. The Deputy Commissioner, Goalpara, in view of the article published in the said Daily on 03.12.2023, proceeded to direct for an inquiry into the same by the Additional Deputy Commissioner, Goalpara. The Additional Deputy Commissioner, Goalpara, accordingly, initiated the inquiry into the allegations so levelled against the petitioner, herein, and on conclusion of the said inquiry, submitted her report in the matter before the Deputy Commissioner, Goalpara, on 14.12.2023. A perusal of the said report, would go to show that the said inquiry was so conducted by the Additional Deputy Commissioner, Goalpara, in the presence of the jurisdictional Inspector of Schools, the complainants as well as the local people. A perusal of the findings so recorded by the Inquiry Officer in the said inquiry report, would go to reveal that each and every allegation so levelled against the petitioner, was taken-up for consideration and basing on materials coming on record in the inquiry, all such allegations were held to be not sustainable against the petitioner.*
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> *17. One of the allegations so levelled against the petitioner was that he had constructed 20 nos. of pucca rooms within the campus of the school, in question, illegally and had collected money from various persons for allotment of the said. rooms to be used as Shops. In the inquiry, the said allegation was examined and it had come to light that the said illegal*

action was committed by an Assistant Teacher of the said school. Accordingly, the Inquiry Officer had required the demolition of the illegally constructed rooms inside the campus of the supplementary charge-sheet and also for taking disciplinary action against the Assistant Teacher so involved in the matter. The other allegations were also examined by the Inquiry Officer and were found to be not sustainable against the petitioner, herein.

18. It is found that basing on the said Inquiry Report, the jurisdictional Inspector of Schools vide an order, dated 28.12.2023, had proceeded to place the Assistant Teacher found to be involved in the illegal construction of the rooms inside the campus of the said school, under suspension pending drawal of a departmental proceeding against him. It is also to be noticed that the Deputy Commissioner, Goalpara, had issued a clarification in a press conference on 05.01.2024, with regard to the various allegations levelled against the petitioner as well as the functioning of the school, in question. The statements so made by the jurisdictional Deputy Commissioner would go to show that the Inquiry Report as submitted by the Inquiry Officer, was accepted by the Deputy Commissioner, Goalpara. In the above background, the report as submitted by the jurisdictional Inspector of Schools vide the communication, dated 09.02.2024, is now required to be examined.

19. A perusal of the said communication, dated 09.02.2024, would go to reveal that the findings of the Additional Deputy Commissioner, Goalpara, so recorded in her Inquiry Report, dated 14.12.2023, was not questioned by the jurisdictional Inspector of Schools. In the said communication, dated 09.02.2024, it is stated that another complaint was received against the petitioner from some local people in connection with illegal collection of fees from the students and also, regarding the educational qualification of the petitioner, herein. The said communication, dated 09.02.2024, does not proceed to disclose the nature of the complaints received in the matter against the petitioner. It is only observed therein that a hearing was conducted in the matter on 18.01.2024, and that the educational requirement of the said school was deteriorating due to loose administration of the petitioner, herein.

20. Basing on the above narration of the complaint received against the petitioner, the jurisdictional Inspector of Schools, dated 09.02.2024, proceeded to conclude that the question of administrative ability of the petitioner having been raised from different sectors, it was presumed that the petitioner may have to face difficulty in running the school smoothly as he had failed to obtain the support of the teaching and non-teaching staff of the school as well as the local people. Accordingly, it was proposed that necessary action against the petitioner, be taken. The said report, on the face of it, is clearly vague and the allegations so levelled against the petitioner, having already been inquired and concluded by the Additional

Deputy Commissioner, Goalpara, and the said Inquiry Report having not been questioned, it was not open to the jurisdictional Inspector of Schools to level further vague allegations on the same issue against the petitioner in the matter.

21. Accordingly, this Court is of the considered view that the basis for holding that the petitioner, herein, may have difficulty in running the school, in question, smoothly and his loose administration may hamper the educational environment of Krishnal Higher Secondary School, Goalpara, cannot be sustained.

22. Having recorded the above conclusion with regard to the Inquiry Report, dated 09.02.2024; this Court would now examine, the order, dated 19.06.2024, passed by the Director, Secondary Education Department, Assam, and impugned in the present proceeding. A perusal of the said order, dated 19.06.2024, would go to show that the petitioner was relieved from the charge of the post of Principal of Krishnai Higher Secondary School, and further, departmental proceedings were directed to be initiated against him. The said action was so required to be done basing on the following factors:

> ***"Whereas, allegation regarding collection of fees from students from outsiders for the purpose of opening of shops in th collection of money Hussain, Assistant Teacher and Principal in-charge of Krishnal H.S. School, District Goalpara in the School campus etc., against Sri Zakir was received from the local public vide petition dtd. 21.11.2023;***
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> ***Whereas, the said allegation and the said authority submitted the enquiry report vide his letter No. GD enquired through the Inspector of Schools, G.D.C. Gealpars Hussain/23/41/6325, dtd. 09.02.2024, which appears violation of Govt. Rules, lack of GDC/Plan/Compl/Zakir administrative ability and negligence of duty on the part of Sri Zakir Hussain.***
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> ***In view of the above, it has been decided to consider the report of enquiry submitted by G.D.C. Goalpara vide his letter No. GDC/Plan/Compl/Zakir Hussain/23/41/6325, dtd. 09.02.2024 and relieve Sri Zakir Hussain, Assistant Teacher from the charge of Principal of Krishnai H.S. School, District - Goalpara."***

23. A perusal of the reasons for issuance of the said order, dated 19.06.2024, and as extracted hereinabove, would go to show that the allegations so considered against the petitioner, herein, were already inquired into by the Additional Deputy Commissioner, Goalpara, and a report in this connection, was submitted on 14.12.2023. It is interesting to note that the said report was not considered by the Director, Secondary

Education Department, Assam, while drawing conclusions in the matter against the petitioner, herein.

24. The allegations so considered against the petitioner being collection of exorbitant fees from the students as well as collection of money from outsiders for the purpose of opening of shops inside the campus of the said school, etc., and the same having already been inquired and found to be not sustainable against the petitioner, herein; the Director, Secondary Education Department, Assam, basing on the same set of allegations, could not have proceeded to relieve the petitioner from the charge of the post of Principal of Krishnai Higher Secondary School, Goalpara. Further, basing on the said allegations, no departmental proceeding was permissible to be drawn against the petitioner, in-as-much as, no misconduct was forthcoming against him during the inquiry conducted by the respondent authorities, in the matter.

25. Accordingly, in view of the above conclusions; this Court is of the considered view that the impugned order, dated 19.06.2024, cannot be sustained and would require an interference from this Court. Accordingly, the order, dated 19.06.2024, is hereby set aside."

12. Having drawn the said conclusion, this Court had further provided in the said order as follows;

"*26. Consequently, the petitioner shall be now permitted to hold the charge of the post of Principal of Krishnai Higher Secondary School, Goalpara, till the same is so filled-up on regular basis.*

27. It is further provided that in the event, there are already materials existing with the respondent authorities which demonstrate commission of misconduct by the petitioner, herein, in the matter and/or, in the event, any such material comes to the knowledge of the respondent authorities subsequently; it would be open to the respondent authorities to draw appropriate proceedings in the matter against the petitioner, herein, under the provisions of the Assam Services (Discipline and Appeal) Rules, 1964. In the event of drawal of such proceedings, it would also be open to the respondent authorities to examine as to whether it would be permissible to permit the petitioner to continue to hold the charge of the post of Principal of the said school, under such circumstances."

13. In the present Review petition, the Review Petitioners have not disputed the said conclusions drawn by this Court in the Judgment & Order dated 22.01.2025 in WP(C).No.3272/2024. Accordingly, the present Review Petition is admittedly not filed for any error occasioning with regard to

the conclusion drawn by this Court vide the said Judgment & Order dated 22.01.2025.

14. The Review Petitioners have instituted the present Review Petition by urging that the respondent, herein, did not satisfy the eligibility criteria set out in the provisions of Rule 12 of the Assam Secondary Education (Provincialised Schools) Service Rules, 2018, and more particularly the provisions of Sub- Rule 3(ii) of Rule 12 of the said Rules of 2018. Accordingly, it is submitted that the directions issued by this Court for permitting the writ petitioner/respondent to continue to function as the Principal In-Charge of the said school till the post is so filled up on regular basis would mandate a review.

15. The said projections made by the Review Petitioners would not mandate an acceptance by this Court more so in a Review Petition, inasmuch as, the said point although was to the knowledge of the respondent authorities/review petitioner, at the time of passing of the order dated 04.07.2023, allowing the writ petitioner/respondent to hold the charge of the post of Principal of the school, in question, the same was not urged before this Court when the connected writ petition was taken up for final consideration.

16. Further, it is an admitted position, that in the school, in question, the writ petitioner/respondent is the senior most teacher working, therein, and the other teachers working, therein, also do not satisfy the eligibility criteria as set out in the provisions of the Rule 12 of the Rules of 2018.

17. In such a situation, the review petitioners/respondent

authorities had not committed any error in issuing the order dated 04.07.2023, permitting the writ petitioner to hold the charge of the post of Principal of the said school. The grounds urged by the review petitioners/respondent authorities in support of the order dated 19.06.2024, issued towards relieving the respondent/writ petitioner from the charge of the post of Principal of the School, in question, has been dealt with in details by this Court in the Judgment & Order dated 22.01.2025 and the said position is not disputed by the Review Petitioners. Accordingly, no ground for review of the Judgment & Order dated 22.01.2025 in WP(C).No.3272/2024 is found.

18. In view of the above discussion, none of the teachers in the school being eligible for holding the charge of the post of Principal, in question, the directions passed by this Court requiring the review petitioners/respondent authorities to permit the respondent/writ petitioner to continue to hold the charge of the post of Principal of Krishnai Higher Secondary School, Goalpara, till the same is filled up on regular basis, in the considered view of this Court is not erroneous and accordingly, a review of the said Judgment & Order dated 22.01.2025 in WP(C).No.3272/2024, would not be called for.

19. In view of the above discussion, the present Review Petition is found by this Court to be devoid of any merit and consequently, the same stands dismissed. However, there would be no order as to cost.

JUDGE

Comparing Assistant