GAHC010124762026

undefined

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

Case No. : WP(C)/3394/2026

KHAIRUL ISLAM
S/O- LATE MAIZ UDDIN RESIDENT OF KACHARIGAON, P.O. KALIADINGA, RUPAHI, DISTRICT - NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI - 781006.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
DISTRICT - KAMRUP METRO
ASSAM PIN - 781019.

3:THE INSPECTOR OF SCHOOLS
NAGAON DISTRICT CIRCLE
NAGAON
ASSAM
PIN-

4:SRI KUSHAL GAYAN
GRADUATE TEACHER
RUPAHI H.S. SCHOOL
NAGAON
ASSAM CURRENTLY HOLDING THE POST OF PRINCIPAL I/C. P.O. - RUPAHI
DISTRICT - NAGAON
PIN - 78212

Advocate for the Petitioner : MR. U DUTTA, B DUTTA

Advocate for the Respondent : SC, SEC. EDU., MS N SHARMA(R4),Y N MAHANTA(R4),DR. A CHAMUAH(R4)

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 14-10-2026

Ms. D. Musahary, learned standing counsel, Secondary Education, Assam, on instruction, has submitted that the petitioner although being the senior most teacher in the school, he on the date when the vacancy against the post of Principal of the school had so occasioned, i.e. on 31-03-2026 had crossed the maximum age limit of 57 years as prescribed under the provision of Sub-Rule (3)(v) of Rule 12 of the rules of Assam Secondary Education (Provincialised) Service Rules, 2018 and accordingly, the petitioner is not entitled to hold the said post even on in-charge basis.

In view of the said submission made by the learned standing counsel, Secondary Education, Mr. B. Dutta, learned counsel for the petitioner submits that he be permitted to withdraw the present writ petition.

The prayer is not objected to by Ms. D. Musahary, learned standing counsel, Secondary Education Department, Assam.

In view of the above, the present writ petition stands dismissed on withdrawal.

JUDGE

Comparing Assistant