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

Case No. : WP(C)/4941/2025

MONOWARA BEGUM
W/O KUTUBUDDIN AHMED VILL NIZ DHING PO DHING PS DHING DIST NAGAON PIN 782123 ASSAM

VERSUS

THE STATE OF ASSAM AND ORS
REP BY THE SECRETARY TO THE GOVT OF ASSAM DEPTT OF SCHOOL EDUCATION DISPUR GUWAHATI 6

2:THE DIRECTOR OF ELEMENTARY EDUCATION ASSAM
KAHILIPARA GUWAHATI 19

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER (DEEO)

NAGAON

4:THE BLOCK ELEMENTARY EDUCATION OFFICER (BEEO)
BATADRAVA NAGAON PIN 782126 ASSAM

5:HASNAHANA BEGUM
W/O ABDUL KALAM VILL MOIRABARI PO MOIRABARI DIST NAGAON PIN 782126 ASSAM PRESENTLY SERVING AS I/C HEADMISTRESS OF GAYANGAON ME SCHOOL BATADRAVA NAGAO

Advocate for the Petitioner : MR. A DEKA, MRS. K DEVI,S HAZARIKA

Advocate for the Respondent : SC, ELEM. EDU, MR A RAHMAN(R5),MR F U BARBHUIYA(R5)

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

16.09.2026

Heard Ms. K. Devi, learned counsel for the petitioner. Also heard Mr. J. Pegu, learned counsel appearing on behalf of the respondent Nos.1 to 4 and Mr. F. U. Barbhuiya, learned counsel appearing on behalf of the respondent No.5.

2. By filing the present writ petition under Article 226 of the Constitution of India, the petitioner seeks, inter alia, a direction to the respondent authorities to review the order dated 09.07.2025, determine the inter-se-seniority between the petitioner and the respondent No.5 and thereafter take appropriate steps for appointment/promotion to the post of Headmaster/Headmistress of Gayangaon M.E. School on the basis of the Gradation List, 2025.

3. Learned counsel for the petitioner, however, submits that at this stage the other prayers made in the writ petition are not pressed and that the petitioner would be satisfied if the respondent authorities are directed to finalize the Gradation List

and thereafter take consequential action in accordance with law.

4. The case of the petitioner is that she was appointed as an Assistant Teacher on 15.03.1994 at Sutargaon M.E. School and was thereafter transferred to Gayangaon M.E. School on 22.08.2004. It is the further case of the petitioner that, after the retirement of the then Headmaster of Gayangaon M.E. School on 31.01.2025, the respondent No.5 was allowed to hold the charge of Headmistress on an in-charge basis. According to the petitioner, she is senior to the respondent No.5. Therefore, she made a representation before the competent authority seeking consideration of her claim for appointment as Headmistress in place of respondent No.5.

5. Learned counsel for the petitioner submits that the District Level Selection Committee (DLSC), Nagaon has meanwhile published a provisional Gradation List pursuant to the notification dated 08.03.2022. In the said list the name of the petitioner appears at Serial No.236, whereas the name of the respondent No.5 does not appear in the list.

6. Learned counsel appearing for the respondent No.5, however, disputes the claim of seniority made by the petitioner. He submits that the respondent No.5 was appointed prior to the petitioner and, therefore, she is senior to her. Learned counsel

for the respondent No.5 also submitted that the gradation list annexed by the petitioner is only one page, whereas, the name of the respondent No. 5 also is in the list above the petitioner.

7. Mr. J. Pegu, learned counsel appearing for the respondent Nos.1 to 4 submits that the provisional Gradation List having already been published, the competent authority may be directed to finalize the same in accordance with the applicable rules and thereafter take necessary consequential action.

8. Having considered the submissions of the learned counsel for the parties, and as agreed upon by the learned counsel for parties, this Court is of the view that the dispute regarding the inter-se-seniority of the petitioner and the respondent No.5 is required to be considered by the competent authority on the basis of the relevant service records and the applicable rules, rather than being determined by this Court in the present writ proceedings.

9. Accordingly, without expressing any opinion on the merit of the case and or inter-se-seniority of the petitioner and the respondent No.5, the writ petition is disposed of with a direction to the competent respondent authorities more particularly the respondent Nos.2 & 3, to finalize the provisional Gradation List of the Assistant Teachers of Nagaon District, after considering the

objections, if any, of the concerned teachers, including the petitioner and the respondent No.5. While doing so, the relevant service records of the petitioner and the respondent No.5 may be verified in accordance with the applicable rules.

10. Such exercise of finalization of the Gradation List shall be completed as expeditiously as possible and, preferably, within a period of three months from the date of receipt of a certified copy of this order.

11. Upon finalization of the Gradation List, the competent authority, shall take consequential steps for filling up the post of Headmaster/Headmistress, including the post at Gayangaon M.E. School, strictly in accordance with the final Gradation List, the applicable rules and the eligibility criteria.

12. It is made clear that this Court has not expressed any opinion on the claim of seniority of either the petitioner or the respondent No.5. The respective claims shall be considered by the competent authority independently on the basis of the records and applicable rules.

13. Till the finalization of the Gradation List and consequential consideration for filling up the post of Headmaster/Headmistress, the existing arrangement with regard to the charge of Headmaster/Headmistress of Gayangaon M.E. School shall

continue. However, there shall be no impediment in making any lawful administrative arrangement, if required in the interest of the institution.

14. The writ petition stands disposed of accordingly.

JUDGE

Comparing Assistant