

GAHC040008792023



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

Case No. : WP(C) 304/2023

1:Surya Bhusan Mishra
S/o Lt. Hari Bansh Mishra, Permanent resident of Baherwam village, P.O Mahuwan,
P.S Kateya, District Gopalganj, Bihar and presently posted at PGT at Govt. Higher
Secondary School, Bilat, East Siang District, Arunachal Pradesh. Cont. No.
919863826429

VERSUS

1:THE STATE OF AP and 2 Ors.
The State of Arunachal Pradesh, represented by the commissioner, Department of
Education, Govt. of Arunachal Pradesh, Civil Secretariat, Itanagar

2:The Director of Secondary Education
Govt. of Arunachal Pradesh
Itanagar
Arunachal Pradesh.

3:Mamum Perme
PGT(Hindi)
Govt Sec School
Chayangtajo
East Kameng District
Arunachal Pradesh

Advocate for the Petitioner : Adam Tatak

Advocate for the Respondent : Tagum Jamoh

BEFORE
HONBLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 29-06-2023

Heard Mr. T. Gyatso, learned counsel for the petitioner. Also heard Mr. T. Jamoh, learned Standing counsel for the Education Department representing respondent Nos. 1 & 2 as well as Mr. R. L. Thungon, learned counsel for respondent No. 3.

This writ petition has been filed under Article 226 of the Constitution of India against the transfer and posting order, dated 07.06.2023 issued by the Director, Secondary Education, Govt. of Arunachal Pradesh vide order No.DSE-11012/2/2023, whereby the petitioner has been transferred and posted from the Government Higher Secondary School, Bilat, East Siang District, Arunachal Pradesh to Government Higher Secondary School, Chayangtajo, East Kameng District, Arunachal Pradesh.

The learned counsel for the petitioner submits that the impugned transfer and posting order is in contravention with the Circular No. PERS-35/98 (Pt), dated 02.06.1998 on policy guidelines of transfer and posting and the modified order, dated 19.12.2008. He further submits that against the impugned transfer and posting order, he had filed a representation, dated 21.06.2023. However, the above representation has not been addressed to till date and prayed that the state respondents may be directed to consider and dispose of his representation immediately.

Mr. T. Jamoh, learned Standing counsel for the Education Department/ representing respondent Nos. 1 & 2 along with Mr. R. L. Thungon, learned counsel for respondent No. 3 having accepted notices on behalf of their respective respondents jointly submits that the above representation submitted by the petitioner will be duly considered.

Mr. Thungon, learned counsel for respondent No. 3 submits that a release order of the petitioner, dated 29.06.2023 has been issued and therefore, this writ petition itself could become infructuous.

Having heard the submission advanced by both the parties, this Court finds that

it is a fit case to issue a direction, more particularly, to the respondent No. 2/The Director of Secondary Education to consider and dispose of the representation, dated 21.06.2023 submitted by the petitioner in accordance with law within 1 (one) week from the date a certified copy of this order is received.

Accordingly, considering the limited prayer that has been made by the learned counsel for the petitioner, this writ petition being WP (C) No. 304 (AP) 2023 stands disposed of with the above directions.

JUDGE

Comparing Assistant