

GAHC040013922023



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

Case No. : WP(C)/494/2023

Smti Omeng Muang
W/o Shri Berin Padung, R/o Pangin Town, P.O/P.S Pangin, Siang District, Arunachal Pradesh. Contact No. 8414869622

VERSUS

The State of AP and 2 Others
represented by the Commissioner, Department of Education, Govt. of Arunachal Pradesh, Civil Secretariat, Itanagar, Arunachal Pradesh. 2:The Director of Secondary Education
Age: 0
Occupation :

3:The Principal
Age: 0
Occupation

Advocate for the Petitioner : Adam Tatak

Advocate for the Respondent : Tagum Jamoh

BEFORE
HONBLE MR. JUSTICE AJIT BORTHAKUR

ORDER

10.10.2023

Heard Mr. A. Tatak, learned counsel for the petitioner. Also heard Mr. T. Jamoh, learned Standing Counsel, Education Department.

2. The grievance of the petitioner, in a nutshell, is that he has been working as a Trained Graduate Teacher (Geography) at Govt. Higher Secondary School, Tirbin, Lepa Rada District, Arunachal Pradesh since he was regularized vide Order No. DSE-11021/2/2022-DSE-Directorate of Secondary Education, dated 01.06.2023. She has been transferred from Govt. Higher Secondary School, Tirbin, Lepa Rada District to Govt. Secondary School, Pangin, Siang District, Arunachal Pradesh vide. Transfer and Posting order No. DSE-11012/2/2023-DSE- Directorate of Secondary Education, dated 03.08.2023, issued by the Director of Secondary Education, Itanagar, Arunachal Pradesh.
3. Pursuant to the aforesaid transfer and posting order, the Principal Govt. Higher Secondary School, Tirbin, Lepa Rada District/respondent No.3 has also issued no objection certificate to the petitioner citing that there is no outstanding dues and adverse remarks against her. But even after issuance of the no objection certificate the respondent no. 3 failed to comply with the transfer & posting order, dated 03.08.2023 and to issue release order to the petitioner without assigning any reason as to why he has refused to issue the release order.
4. As such, the petitioner submitted representations, dated 14.08.2023 and 17.08.2023 to the respondent No.3 to release her as expeditiously as possible. Further, a communication letter No. MIN(EDN)-04/2023, dated 12.09.2023 by the PS to Minister (Education, CA, etc.), Govt. of Arunachal Pradesh was also sent to the respondent no. 3 whereby he was directed to release the petitioner and was informed that a teacher will be sent as reliever or recruited as guest teacher. However, it has failed to evoke any positive response and the respondent No. 3 had arbitrarily withheld the release order of the petitioner. Hence, the petitioner has filed the instant writ petition.
5. Mr. A. Tatak, learned counsel for the petitioner, submits that the act on the part of the respondent No.3 in not releasing the petitioner from his school is arbitrary and

illegal and squarely in violation of the norms of transfer and policy guidelines of the state of Arunachal Pradesh. Hence, Mr. Tatak submits that the respondent No. 3 may be directed to release the petitioner from his present place of posting at Govt. Higher Secondary School, Tirbin, Lepa Rada District to join his new place of posting at Govt. Secondary School, Pangin, Siang District, Arunachal Pradesh

6. Mr. T. Jamoh, learned Standing Counsel, Education Department, submits no objection if the prayer of the petitioner is allowed.

7. Upon hearing the learned counsel for both sides and considering the averments made in the petition along with the documents annexed thereto, this Court finds it expedient to direct the Principal, Govt. Higher Secondary School, Tirbin, Lepa Rada District, Arunachal Pradesh to issue release order to the petitioner so as to allow her to join Govt. Secondary School, Pangin, Siang District, Arunachal Pradesh in compliance with the transfer and posting order, dated 03.08.2023 issued by the Director of Secondary Education, Govt. of Arunachal Pradesh, Itanagar **within a period of 7(seven) days** from the date of receipt of a certified copy of this order, which shall be furnished by the petitioner.

With the above direction, the petition stands disposed of.

JUDGE

Comparing Assistant