

GAHC010010372023



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

Case No. : WP(C)/55/2023

MD TAJ UDDIN LASKAR
S/O- LATE MOTO FAR ALI LASKAR
RESIDENT OF VILLAGE- BAHADURPUR
P.O.- RANGAUTI
PIN- 788155
DISTRICT- HAILAKANDI
ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF SCHOOL EDUCATION
DISPUR
GHY-6.

2:THE SELECTION BOARD
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
EDUCATION ELEMENTARY DEPARTMENT
DISPUR
GHY-6.

3:THE DIRECTOR OF STATE COUNCIL OF EDUCATIONAL RESEARCH AND
TRAINING
ASSAM
KAHILIPARA
GUWAHATI-19.

4:THE ASSAM PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY TO THE GOVT. OF ASSAM
JAWAHARNAGAR
GUWAHATI- 29.

5:THE DEPUTY COMMISSIONER
HAILAKANDI
DISTRICT- HAILAKANDI
ASSAM.

6:ABDUL NOOR BARBHUIYAN
PRINCIPAL
DIET
CACHAR
UDHARBOND
DIST.- CACHAR
ASSAM
PIN- 788030.

7:DR. JIBENDU DUTTA
S/O LATE MAKHAN LAL DUTTA
SENIOR LECTURER
DISTRICT INSTITUTE OF EDUCATION AND TRAINING
CACHAR
UDHARBOND
R/O FLAT NO. 3E
THE PEARL LINK VIEW
1ST LINK ROAD SILCHAR
DIST.- CACHAR
ASSAM
PIN-788006.

Advocate for : MR. A R BHUYAN
Advocate for : SC
ELEM. EDU appearing for THE STATE OF ASSAM AND 5 ORS

B E F O R E

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

02-03-2023

Heard Mr. A.R. Bhuyan, learned counsel for the petitioner. Also heard Mr. P.K. Borah, learned Standing Counsel, Department of School Education for Respondents No.1 and 2; Mr. S. Bora, learned counsel for Respondent No.3; Mr. P. Sarma, learned Standing Counsel, APSC for Respondent No.4;

Ms. D.D. Barman, learned Government Advocate, Assam for Respondent no.5; Mr. H.K.Das, learned counsel for Respondent No.6 and Mr. B Purkayastha, learned counsel for Respondent No.7.

2. By this writ petition, the petitioner has challenged the order dated 22.12.2022 issued by the Secretary to the Government of Assam, Department of School Education, by which the Respondent No.6 was transferred and posted as Principal of DIET, Dhemaji and the Respondent No.7, Senior Lecturer of DIET, Cachar was allowed to take charge of the I/C Principal of DIET, Cachar from Respondent No.6.

3. Mr. P.K. Borah, learned Standing Counsel, Department of School Education has produced a copy of the Notification dated 21.01.2023, by which the impugned order has been revoked. The same reads as under :

“

**GOVERNMENT OF ASSAM
DEPARTMENT OF SCHOOL EDUCATION
DISPUR ::: GUWAHATI**

ORDERS BY THE GOVERNOR OF ASSAM

NOTIFICATION

No.eCF No.265150/32 : In compliance of the Hon'ble Gauhati High Court's interim order dtd. 06.01.2023 passed in W.P.(C) 55/2023 (Md. Taj Uddin Laskar Vs. SoA) and in pursuance of the order issued vide notification No.eCF no. 265150/31 dtd. 18.01.2023, Shri Abdul Noor Barbhuiyan, Principal of DIET is hereby reverted back to his earlier place of posting as Principal DIET, Cachar against the existing vacant post and Md. Taj Uddin Laskar, senior most Senior Lecturer of DIET, Hailakandi, is directed to temporarily take over the charge as in-charge Principal, DIET, Hailakandi, until further orders.

This Order shall come into force with immediate effect.

***Signed by S.n. Choudhury
Date :21-01-2023 17:54:000***

***Secretary to the Govt of Assam
Department of School Education".***

4. He has also produced another corrigendum dated 1.3.2023, which reads as under :

“

***GOVERNMENT OF ASSAM
DEPARTMENT OF SCHOOL EDUCATION
DISPUR ::: GUWAHATI***

CORRIGENDUM

Dated, Dispur the 1st March, 2023

No.eCF No.265150/41 : Kindly read the line as mentioned in the first line issued vide Notification No eCF No 265150/32 dated 21-01-2023 as produced below :

“ In the interest of public service” instead of “In compliance of the Hon’ble Gauhati High Court’s interim order dtd 06.01.2023 passed in WP© 55/2023 [Md Taj Uddin Laskar –vs- SoA].”

***Sd/-
1.3.2023
Secretary to the Govt. of Assam
Department of School Education".***

5. Considering the Notification dated 21.01.2023 and the Corrigendum dated 1.3.2023, the very basis for filing the writ petition does not survive

and I see no reason to continue with the writ petition.

6. Accordingly, the writ petition is closed with liberty to the petitioner to approach this Court again, if so advised.

The Notification dated 21.01.2023 and the Corrigendum dated 1.3.2023 is placed on record.

JUDGE

Comparing Assistant