

GAHC010014042023



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

Case No. : WP(C)/348/2023

DIPANJALI DAS

W/O- SHRI DIBYAJYOTI DAS, R/O- VILL- GAURISAGAR, P.O. GAURISAGAR,
DIST.- SIVASAGAR, ASSAM, PIN- 785664

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY ITS SECY. TO THE GOVT. OF ASSAM, CULTURAL AFFAIRS DEPTT.,
ASSAM, JANATA BHAWAN, DISPUR, GHY-06

2:ADDL. SECRETARY
TO THE GOVT. OF ASSAM
CULTURAL AFFAIRS DEPTT.
JANATA BHAWAN
DISPUR
GHY-06

3:DIRECTOR OF LIBRARY SERVICES
I/C
ASSAM
GHY

4:DY. COMMISSIONER
DIBRUGARH
DISTRICT AND P.O. DIBRUGARH
ASSAM PIN- 786001

5:DEIZEE SINGH PEGU
LIBRARY ASSISTANT
DISTRICT LIBRARY
DIBRUGARH DISTRICT AND P.O. DIBRUGARH
ASSAM PIN- 786001

6:SHARI FARUK HUSSAIN TALUKDAR
SANTI PATH
DARANDHA SIXMILE
P.O. KHANAPARA
P.S. DISPUR
GHY PIN NO. 78102

Advocate for the Petitioner : MR. B K DAS

Advocate for the Respondent : SR. GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

30.01.2023

Heard Mr. B. K. Das, the learned counsel for the petitioner and Ms. M. D. Borah, the learned counsel appearing on behalf of the respondent Nos.1 to 4.

The instant writ petition has been filed challenging the order of transfer dated 19.12.2022 by which the petitioner who was the District Librarian, District Library, Dibrugarh was transferred and posted as District Librarian, District Library, North Lakhimpur against the existing vacancy with immediate effect.

This Court, on the earlier occasion, had recorded in its order dated 27.01.2023, the instructions which was produced by the counsel representing the State respondents to the effect that the petitioner was posted at the District Library, Dibrugarh and has been working there since 2020 and has already completed more than two years. It was further recorded that the petitioner was transferred to the District Library, North Lakhimpur where the post of District Librarian was vacant and, as such, the order of transfer was not illegal, arbitrary and unreasonable or punitive. Further to that, it was also mentioned that the order has been passed only as a routine government order. It is also relevant to take note of that the learned counsel for the State respondents has produced the Office Memorandum dated 06.08.2013 whereby the policy in the Office

Memorandum dated 12.11.2009 was substituted and the period of three years was reduced to period of two years.

Under such circumstances, this Court is of the opinion that the question of exercising judicial review in the present facts and circumstances of the instant case does not arise.

The learned counsel for the petitioner has submitted that the petitioner would join the post of District Library, North Lakhimpur within 7 (seven) days from today and taking into account the medical ailments of the petitioner, the petitioner be permitted to file a representation to the concerned State Authorities so that the said Authorities can take a considerate view of the matter.

Taking into account the said submission made by the learned counsel for the petitioner to the effect that the petitioner would be joining the post in pursuance to the transfer order dated 19.12.2022 within 7 (seven) days from today, the petitioner is given the liberty to submit a representation before the respondent No.2 ventilating her grievances and her difficulties against the transfer order and the respondent No.2 shall, on such representation so filed, take a considerate view of the matter taking into account the medical ailments of the petitioner and pass a reasoned order in that regard.

It is further directed that the respondent No.2 shall pass the said reasoned order within a period of 30 (thirty) days after receipt of the representation along with a certified copy of this order.

With the above observations and directions, the instant petition stands disposed of.

JUDGE

Comparing Assistant