

GAHC010015922016



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

Case No. : WP(C)/2980/2016

RANJIT CHETIAPATRA
S/O- LT. BHABA CHETIAPATRA, R/O- SEUJ NAGAR, P.O.- CHAPAKHOWA
SODIA, DIST.- TINSUKIA, ASSAM- 786157.

VERSUS

THE STATE OF ASSAM and 4 ORS.
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
EDUCATION ELEMENTARY DEPTT., DISPUR, GHY- 6.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY- 19.

3:THE DIST. ELEMENTARY EDUCATION OFFICER
TINSUKIA
P.O.- TINSUKIA
ASSAM.

4:THE DY. INSPECTOR OF SCHOOLS
SADIYA
P.O.- SADIYA
DIST.- TINSUKIA
ASSAM.

5:PABITRA BORGOHAIN
R/O- SEUJ NAGAR
P.O.- CHAPAKHOWA SODIA
DIST.- TINSUKIA
ASSAM- 786157

Advocate for the Petitioner : MS.N BARUAH
Advocate for the Respondent :

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

09-03-2023

Heard Ms. P. Saharia, learned counsel for the petitioner and Mr. P. N. Sarma, learned Standing Counsel, Department of School Education for the respondent Nos. 1 to 4.

Petitioner claimed that he is the senior most Assistant Teacher of Ujani Sadiya M.E. School, a provincialised Upper Primary School in the District of Tinsukia. It is stated that on the basis of the advice of the District Elementary Education Officer, Tinsukia by order dated 21.01.2016 he was allowed to be the Headmaster in-charge of said M.E. School in addition to his normal duties. However, the said District Elementary Education Officer, Tinsukia by order dated 03.02.2016 cancelled its said earlier order dated 21.01.2016, until further orders.

Being aggrieved with the same, the petitioner filed this writ petition on 10.05.2016.

Notice in this case was issued on 18.05.2016. However, the respondent authorities have not filed its affidavit(s).

During the deliberation of the matter, Mr. P. N. Sarma, learned Standing Counsel, Department of School Education by placing the Notification No.ASE.59/2017/303 dated 02.08.2017 of the State Government in the Secondary Education Department submitted that said Ujani Sadiya M.E. School wherein the petitioner and the respondent No.5 are the Assistant Teachers, had already been amalgamated with the Ujani Sadiya Higher Secondary School, Na-

Sadiya under the Scheme of 'Siksha Khetra'. From the said Notification dated 02.08.2017, Mr. Sarma placed that during the time of said amalgamation on 02.08.2017 the post of Headmaster of said Ujani Sadiya M.E. School was vacant wherein the name of the petitioner amongst the Teachers of said Ujani Sadiya M.E. School on the basis of their seniority figured at Srl. No.3 (Srl. No.28) and that of the respondent No.5 at Srl. No.10 (Srl. No.35).

Since said Ujani Sadiya M.E. School has already been amalgamated with Ujani Sadiya Higher Secondary School, Na-Sadiya in terms of the said Notification dated 02.08.2017 of the State Government in the Secondary Education Department, the prayer of the petitioner is not tenable in law.

Accordingly, this writ petition being devoid of any merit stands dismissed.

Copy of the order of said amalgamation dated 02.08.2017 of the State Government in the Secondary Education Department, noted above, placed before the Court today by Mr. P. N. Sarma, learned Standing Counsel, Department of School Education, be kept as part of the record.

JUDGE

Comparing Assistant