

GAHC010040612023



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

Case No. : WP(C)/1161/2023

FARNAZ NOURIN ZAMAN
WIFE OF ZIAUR RAHMAN,
RESIDENT OF VILLAGE- HOUSE NO. 119B,
FLOWER LANE, HATIGAON,
KAMRUP(M), ASSAM, GUWAHATI- 38.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
COOPERATION DEPARTMENT,
DISPUR, GUWAHATI-06.

2:THE REGISTRAR OF CO-OPERATIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI- 781022.

3:THE ZONAL JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
GUWAHATI ZONE
GUWAHATI-5
ASSAM.

4:THE DISTRICT DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES
KAMRUP
BHANGAGARH
GUWAHATI-05.

5:AMAL NEOG
C/O- DISTRICT DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES
KAMRUP

BHANGAGARH
GUWAHATI-05

Advocate for the Petitioner : MR. U DUTTA

Advocate for the Respondent : SC, CO OP

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 10.03.2023

Heard Mr. U. Dutta, the learned counsel appearing on behalf of the petitioner and Mr. S. K. Talukdar, the learned Standing counsel appearing on behalf of the respondent Nos. 1 to 4.

2. Taking into account the order which this Court proposes to pass at the motion stage itself, the presence of the respondent No.5 is not necessary.

3. The case of the petitioner herein is that the petitioner was originally posted at the Office of the District Deputy Registrar of Cooperative Societies, Nagaon as a Process Server, Peon (Jarikarak). The petitioner being a single mother of two minor daughters found it difficult to handle both her job and look after her minor daughters single handedly for which the petitioner submitted an application before the authorities to attach the petitioner under the Office of the Zonal Joint Registrar of Cooperative Societies, Guwahati Zone or the Office of the District Deputy Registrar of Cooperative Societies, Kamrup at Guwahati. On the basis of such application, two communications were issued by the respondent authorities dated 14.12.2020 and 09.10.2020.

4. Thereupon, the petitioner was attached to the Office of the Zonal Joint Registrar of Cooperative Societies, Guwahati Zone. The petitioner joined in the Office of the Zonal Joint Registrar of Cooperative Societies, Guwahati Zone on 01.02.2021 and since then has been serving as a Jarikarak in the said Office. It is the further case of the petitioner that while serving as the Jarikarak at the Office of the Zonal Joint Registrar of Cooperative Societies, Guwahati Zone, the petitioner on 12.01.2022 lodged one complaint against one Sri Mridul Ali alleging sexual harassment.

5. Pursuant to the complaint, a preliminary enquiry was conducted and the same was informed by a communication dated 17.01.2022 to the Secretary, Government of Assam, Cooperation Department for taking necessary action. It is the further case of the petitioner that in terms of the communication dated 17.01.2022, the said Mridul Ali was to be transferred from the Office of the Zonal Joint Registrar of Cooperative Societies, Guwahati Zone. To the surprise of the petitioner that on 20.01.2022, an order was passed by the Zonal Joint Registrar of Cooperative Societies, Guwahati Zone whereby the petitioner was released from the Office of the Zonal Joint Registrar of Cooperative Societies without any reason. This order of 20.01.2022 was put to challenge by the petitioner in WP(C) No.469/2022. This Court vide an order dated 25.01.2022 issued notice and in the interim, suspended the order dated 20.01.2022 and the said writ petition is presently pending.

6. It is the further case of the petitioner that as the petitioner was only attached to the Office of the Zonal Joint Registrar of Cooperative Societies, Guwahati Zone, the petitioner requested for a transfer from the Office of the District Deputy Registrar of Cooperative Societies, Nagaon to the Office of the

Deputy Registrar of Cooperative Societies, Kamrup, Guwahati against one vacant post which arose due to lien of one Dhrubajyoti Das.

7. Pursuant to the said communication, a representation dated 18.08.2022 was submitted to the Office of Chief Minister. Thereupon, a process was initiated for the purpose of transfer of the petitioner to the Office of the Deputy Registrar of Cooperative Societies, Kamrup, Guwahati. While the process was pending vide the impugned order dated 06.02.2023, the respondent No.5 was promoted to the post of Process Server (Jarikarak) and was posted to the Office of the District Deputy Registrar of Cooperative Societies, Kamrup, Bhangagarh against the existing vacant post. The petitioner therefore being aggrieved by the said order dated 06.02.2023 has approached this Court challenging the order impugned on the ground that the proposal of transfer of the petitioner to the said Office would be derailed.

8. Upon considering the matter in its entirety, this Court does not find that the petitioner has got any enforceable right to challenge the order dated 06.02.2023 on the ground that her proposal for transfer from the Office of the District Deputy Registrar of Cooperative Society, Nagaon to the Deputy Registrar of Cooperative Society, Kamrup would be derailed.

9. Considering the above, this Court therefore does not find any merit in the instant writ petition for which the instant petition challenging the order dated 06.02.2023 stands dismissed.

10. Before concluding, this Court however would like to observe that the dismissal of the instant writ petition is primarily on the ground that the petitioner does not have any enforceable right to challenge the order dated

06.02.2023. This dismissal shall not in any manner affect the petitioner's proposal from being transferred from the Office of the District Deputy Registrar of Cooperative Society, Nagaon to any other vacant post otherwise available.

11. With the above observations, the instant petition stands disposed of.

JUDGE

Comparing Assistant