

GAHC010046512018



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

Case No. : WP(C)/1434/2018

MUKTI RANI NAMOSUDRA
D/O. BINOD NAMASUDRA, R/O. VILL. KEUTKUNA, P.O. SINGRA BAZAR,
P.S. NILAM BAZAR, DIST. KARIMGANJ, ASSAM, PIN-788719

VERSUS

THE STATE OF ASSAM AND 5 ORS.
THROUGH- THE SECRETARY, TO THE GOVT. OF ASSAM, EDUCATION
(ELEMENTARY) DEPARTMENT, DISPUR, GUWAHATI-781006

2:THE MISSION DIRECTOR
ASSAM SARVA SIKSHA ABHIJAN
KAHILIPARA
GUWAHATI-781019

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
KARIMGANJ -CUM DISTRICT COORDINATOR
SSA
KARIMGANJ
P.O. AND DIST. KARIMGANJ
ASSAM.

5:ABDUL KALAM
PRESIDENT
SCHOOL MANAGING COMMITTEE
191 NO. DESHABANDHU MEMORIAL L.P. SCHOOL
KEUTKONA
DIST. KARIMGANJ
ASSAM.

6:THE HEAD TEACHER/ SECRETARY
SMC
191 NO. DESHABANDHU MEMORIAL L.P. SCHOOL
KEUTKONA
DIST. KARIMGANJ
ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

21-06-2023

Heard Shri S. C. Biswas, learned counsel for the petitioner. Also heard Shri B. Kaushik, learned Standing Counsel, Elementary Education Department and Shri J. M. Sulaiman, learned counsel for the respondent no. 5. Ms. P. Das, learned counsel has appeared for the SSA.

2. Considering the subject matter and the developments which has taken place during the pendency of this writ petition which is pending since the year 2018, the same is taken up for disposal at the admission stage.

3. The case projected is that the petitioner was engaged as a Cook in the 191 No. Deshabandhu Memorial L. P. School, Keutkona in the district of Karimganj in the year 2006. She has rendered her service without salaries for the initial 5 years. The allegation is that the wife of the President of the School who had never discharged her duties as a Cook had however put her signature in the Attendance Register and the petitioner was deprived of from putting her signature in spite of rendering her service. There were litigations earlier being WP(C) No. 589/2017 in which this Court had passed an order dated 03.02.2017 directing the authorities to consider the grievance

of the petitioner and pass appropriate orders. There were also two contempt proceedings being Cont. Cas(C) No. 447/2017 and Cont. Cas(C) No. 53/2018 whereafter, the petitioner was allowed to discharge her duties and her salaries were also paid.

4. Shri S. C. Biswas, learned counsel for the petitioner however submits that though at the time of filing of the writ petition, she was not allowed to function her duties, subsequently, the said grievance has been redressed and the petitioner was subsequently allowed to function as a Cook and is also being paid the salaries. However, she is not allowed to sign in the Attendance Register. The learned counsel further informed this Court that as per instructions received, the School is presently without a School Managing Committee and is under the Supervisor of a Head Master.

5. Shri B. Kaushik, learned Standing Counsel of the Department submits that the grievance of the petitioner has been substantially redressed and accordingly the writ petition may be closed. He however, does not object to the prayer that the issue regarding signing of the Attendance Register may be directed to be considered and resolved.

6. The aforesaid submission is also endorsed by Ms. P. Das, learned counsel for the SSA.

7. Shri Sulaiman, learned counsel for the respondent No. 5 submits that the said respondent No. 5 was the President of the State Level Committee (SLC) which however is not functioning as on date and therefore he would not have much role in this case.

8. In view of the aforesaid facts and circumstances and also the development noted above that the petitioner is discharging her duties as a Cook in the aforesaid School and also being paid her salaries, the Head Master of the School would look into the

matter for allowing the petitioner to sign in the Attendance Register if the assertion made by the petitioner that she is discharging her duties is correct.

9. With the aforesaid direction, writ petition stands disposed of.

JUDGE

Comparing Assistant