

GAHC010063032023



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

Case No. : WP(C)/1672/2023

PRAJIT KUMAR BRAHMA
HINDI TEACHER, BANARGAON HIGH SCHOOL, S/O- LATE GAJENDRA
NATH BRAHMA, VILL- BORAGARI, P.O. AND P.S. DOTMA, DIST.-
KOKRAJHAR, ASSAM, PIN- 783347

VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REP. BY THE COMM. AND SECY. EDUCATION (ELEMENTARY)
DEPTT., DISPUR, GHY-6

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY-06

3:THE DIRECTOR OF EDUCATION
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
KOKRAJHAR

5:THE BODOLAND TERRITORIAL COUNCIL (BTC)
REP. BY THE PRINCIPAL SECRETARY
BODOFA NWGWR
KOKRAJHAR
ASSA

Advocate for the Petitioner : MR. A MANNAF
Advocate for the Respondent : SC, BTC

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

24.03.2023

Heard Mr. A. Mannaf, the learned counsel for the petitioner and Mr. P. N. Sarma, the learned counsel appearing on behalf of the respondent No.1. Also heard Mr. R. Borpujari, the learned counsel appearing on behalf of the respondent No.2 and Mr. B. Choudhury, the learned counsel appearing on behalf of the respondent Nos.3 to 5.

The instant matter is taken up for disposal at the motion stage itself.

The case of the petitioner herein is that while the petitioner was serving as Hindi Teacher at Salakati M.E. School, Kokrajhar in the year 2007, due to the prevailing situation then and also taking into account that he was targeted, the petitioner and his family members concealed themselves to some unknown place for saving their lives. This aspect of the matter was informed to the Headmaster of Salakati M.E. School, Kokrajhar by forwarding an application dated 13.08.2007. Thereafter when the situation was normalized sometime in the year 2016, the petitioner came forward and joined the school.

It reveals from the order dated 18.10.2016 issued by the Secretary, Bodoland Territorial Council (BTC) whereby there was an approval given by the BTC for reinstatement of the petitioner to the service with immediate effect subject to initiating Departmental Proceedings. It further appears that on the same day, the District Elementary Education Officer, Kokrajhar had also passed an order whereby the services of the petitioner was reinstated and posted at Banargaon M.E. School, Banargaon as Hindi

Teacher. It was mentioned that for pensionary purpose, the gap period can be regularized for pension benefit. Subsequently, on the next date itself, the District Elementary Education Officer, Kokrajhar, in partial modification to the order dated 18.11.2016, regularized the period from 04.07.2007 to 17.11.2016 only for pensionary benefit. Thereupon on 13.01.2017, the petitioner requested for release of the arrear amount of salary for the period from 04.05.2007 to 20.07.2017 by submitting a representation to the District Elementary Education Officer, Kokrajhar. However, nothing has been done thereafter for which the petitioner has approached this Court.

I have perused the writ petition and there seems to be nothing mentioned explaining the delay and laches on the part of the petitioner in approaching this Court almost after 6½ years. Consequently, this Court is not inclined to exercise its extraordinary jurisdiction to issue writ in respect to the relief sought for by the petitioner.

However, this Court also observes that dismissal of the writ petition by this Court having been done on the technical ground of delay and laches and the same shall not preclude the District Elementary Education Officer, Kokrajhar to consider the representation dated 13.07.2017 submitted to the said official in a manner provided under the law.

In view of the above observation and direction, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant