

GAHC010077872023



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

Case No. : WP(C)/2167/2023

SARBANANDA NEUPANE AND 8 ORS.
S/O- BHOLANATH NEUPANE,
VILLAGE- KHAIRANI, P.O.- NAYABASTI,
P.S.- BARBARI, DIST.- BAKSA,
ASSAM- 781344.

2: DAMBARU NATH
S/O- NILADHAR NATH

VILLAGE- BHABANIPUR B BLOCK

P.O.- DIGHALDHONGA
P.S. BARBARI

DIST- BAKSA
ASSAM- 781343.

3: SURAJIT NATH
S/O- AMINDRA NATH

VILLAGE- BARFUKAN KHAT

P.O. AND P.S.- GORESWAR

DIST.- BAKSA
ASSAM- 781364.

4: SANJOY RABHA
S/O- KALICHARAN RABHA

VILLAGE- BETAGAON

P.O.- NAOKATA
P.S.- GORESWAR

DIST.- BAKSA
ASSAM- 781364.

5: RATUL BARUAH
S/O- DILIP BARUAH

VILLAGE- LOKPALA

P.O.- BARIMAKHA

P.S.- BARBARI
DIST.- BAKSA

ASSAM- 781333.

6: UJJAL DAS
S/O- PRASANNA DAS

VILLAGE- JALAH

P.O.- JALAHGHAT

P.S.- SHIMLA
DIST.- BAKSA

ASSAM- 781327.

7: KISHOR ROY
S/O- TARUN CHANDRA ROY

VILLAGE- TATLAPARA

P.O.- THAMNA
P.S.- MUSHALPUR

DIST- BAKSA
781377.

8: RAJU BHATTARAI
CHANDRA KT. BHATTARAI

VILLAGE AND P.O.- NIKASHI

P.S. MUSHALPUR
DIST- BAKSA

ASSAM- 781372.

9: RANA MEDHI
S/O- UPEN MEDHI

VILLAGE AND P.O.- KALAKUCHI

P.S.- TAMALPUR
DIST.- BAKSA

ASSAM- 781367

VERSUS

THE STATE OF ASSAM AND 14 ORS.
REPRESENTED BY COMMISSIONER-SECRETARY,
ELEMENTARY EDUCATION DEPARTMENT,
GOVT. OF ASSAM,
DISPUR, GUWAHATI-6.

2:THE BODOLAND TERRITORIAL COUNCIL
THROUGH ITS PRINCIPAL SECRETARY

KOKRAJHAR
ASSAM.

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 19.

4:THE SECRETARY
EDUCATION
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM.

5:THE DIRECTOR OF EDUCATION
BTC
KOKRAJHAR
ASSAM.

6:THE DISTRICT ELEMENTARY EDUCATION OFFICER

BAKSA
MUSHALPUR
ASSAM- 781372.

7:THE BLOCK ELEMENTARY EDUCATION OFFICER
BARAMA
DISTRICT- BAKSA
ASSAM.

8:THE BLOCK ELEMENTARY EDUCATION OFFICER
TAMULPUR
DISTRICT- BAKSA
ASSAM.

9:THE BLOCK ELEMENTARY EDUCATION OFFICER
GORESWAR
DISTRICT- BAKSA
ASSAM.

10:THE BLOCK ELEMENTARY EDUCATION OFFICER
JALAH
DISTRICT- BAKSA
ASSAM.

11:THE BLOCK ELEMENTARY EDUCATION OFFICER
BILASIPARA
DISTRICT- DHUBRI
ASSAM.

12:THE BLOCK ELEMENTARY EDUCATION OFFICER
CHAPOR
DISTRICT- DHUBRI
ASSAM.

13:THE BLOCK ELEMENTARY EDUCATION OFFICER
GOURIPUR
DISTRICT- DHUBRI
ASSAM.

14:THE DEPUTY INSPECTOR OF SCHOOLS
BAKSA
MUSHALPUR
BTAD.

15:THE DEPUTY INSPECTOR OF SCHOOLS
DHUBRI
DISTRICT- DHUBRI

Advocate for the Petitioner : MR. B CHAKRAVARTY

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 26.04.2023

Heard Mr. B. Chakraborty, the learned counsel appearing on behalf of the petitioners and Mr. P. N. Sharma, the learned Standing counsel appearing on behalf of the Education Department. I have also heard Mr. S. Bora, the learned Standing counsel appearing on behalf of the BTC.

2. At the outset, this Court made a query upon the learned counsel for the petitioners as to how 9 (nine) petitioners can together file a single writ petition seeking transfer from their respective posts as the reasons seeking transfer in respect of each of the petitioners are completely distinct and different.

3. Mr. B. Chakraborty, the learned counsel for the petitioners submitted that taking into account that the cause of action of each of the writ petitioners are distinct and different, the instant writ petition be treated as a writ petition filed by the petitioner No.1 and liberty may be given as regards the other writ petitioners to ventilate their grievances by way of appropriate writ petition, if so advised.

4. Taking into account the same, the names of the petitioner Nos. 2 to 9 are struck off with a further liberty being given to the said petitioners to seek appropriate remedies as envisaged under law.

5. The case of the petitioner No.1 herein is that the said petitioner is presently

a teacher in a school by the name of 1514 No. Airmari L.P. School. On account of the ailment of his mother, the petitioner No.1 sought for transfer to his home District i.e. in the District of Baksa. In that regard, the petitioner has filed an application in the online mode bearing No. Inter/EE-002-0012024 on 08.11.2022. It is the further case of the petitioner No.1 that the Block Elementary Education Officer had also given its No Objection on 25.01.2023 but till date, the respondents have not acted upon the said application for which the instant writ petition has been filed.

6. The learned counsel for the petitioner further submits that it is on account of the non-issuance of NOC by the BTC, there has been a delay in consideration of his application. Mr. S. Bora, the learned Standing counsel for the BTC submits that the instant writ petition can be disposed of with a direction upon the Secretary, Education Department, Bodoland Territorial Council to consider the application of the petitioner No.1 and pass appropriate orders as regards the issuance of the NOC for transfer.

7. Taking into account the limited grievances of the petitioner and upon taking into consideration the submissions of Mr. S. Bora, the learned Standing counsel for the BTC, the instant petition stands disposed of with a direction to the Secretary, Education Department, BTC, Kokrajhar to consider the application of the petitioner No.1 and pass appropriate orders for issuance of the NOC for transfer, if deemed fit.

8. The said exercise be done within a period of 1 (one) month from the date a certified copy of the instant order is served upon the Secretary, Education Department, BTC.

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

JUDGE

Comparing Assistant