

GAHC010109972016



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

Case No. : Cont.Cas(C)/227/2016

MD. ATOWAR RAHMAN
S/O LT. PASHAR UDDIN, R/O KATDARGAR, P.O. PATAKATA, DIST- DHUBRI,
ASSAM

VERSUS

R.C. JAIN and 4 ORS
COMMISSIONER and SECY. TO THE GOVT. OF ASSAM, EDUCATION SECO
DEPTT., DISPUR, GHY-6

2: BABULAL SARMA
DIRECTOR OF SECONDARY EDUCATION ASSAM
KAHILIPRA
GHY-19

3: SAJU KUMAR YADAV
INSPECTOR OF SCHOOLS
DHUBRI DISTRICT CIRCLE
DIST- DHUBRI
ASSAM

4: SRI SHAMSER SINGH
THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
EDUCATION (SECONDARY) DEPARTMENT
DISPUR
GUWAHATI - 6.

5: SRI PHANINDRA JUDUNG
THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI - 19

Advocate for the Petitioner : MS.R BARUAH

Advocate for the Respondent : MS. N PHUKAN,

**BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

ORDER

Date : 20.11.2023

Heard Ms. K. Devi, learned counsel for the petitioner and Mr. S.M.T. Chistie, learned counsel for the respondent contemnors in the Secondary Education Department.

2. This contempt petition is instituted alleging wilful and deliberate violation of the order dated 02.04.2015 in WP(C) No. 1213/2009. It is noticed that the order dated 17.06.2014 had been passed in respect of the WP(C) No. 2575/2013, WP(C) No. 2416/2013 and 1459/2012. The petitioner instituted WP(C) No. 1213/2009 which was disposed of by the order dated 02.04.2015 providing that the provisions of the order dated 17.06.2014 in WP(C) No. 2575/2013 and other writ petitions would also cover WP(C) No. 1213/2009. By the relevant paragraph in the order dated 17.06.2014 the following had been provided:

“Having regard to the aforesaid submissions advanced, the writ petitions are disposed of directing placement of the cases of the writ petitioners before the High Power Committee for consideration, based on the school records and to pass necessary order for provincialisation of their services, provided they have completed 2(two) years of services prior to the dates of provincialisation of the teaching and non teaching staff of the respective schools, as the Government has accepted that the drop teachers, who were appointed 2(two) years prior to the date of provincialisation, would be provincialised. The said exercise is directed to be completed within a period of 3(three) months from today. All necessary records shall be placed before the High Power Committee by the Commissioner & Secretary, Education (Secondary) Education.”

3. A reading of the afore-extracted order makes it discernible that there is a direction to the respondents in the Secondary Education Department to place the claim of the petitioner Md. Atowar Rahman before the High Power Committee.
4. We have noticed that this is a contempt petition of the year 2016 and seven years have gone by and now the petitioner seeks to implead the present incumbent Secretary to the Government of Assam in the Secondary Education Department.
5. Instead of allowing the Secretary to be impleaded, we are of the view that the interest of justice would be more met on a direction being issued to the Secretary to the Government of Assam in the Secondary Education Department to place the claim of the petitioner before the High Power Committee as provided in the aforesaid order dated 17.06.2014 in WP(C) No. 2575/2013 and other writ petitions, which would also be applicable to the petitioner.
6. If the claim of the petitioner had already been placed in the meantime, the result thereof be informed to the petitioner and in such event, there will be no further requirement to place it again.
7. With the aforesaid consequential benefits, contempt petition stands closed.

JUDGE

Comparing Assistant