

GAHC010114542023



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

Case No. : WP(C)/3060/2023

NEELAKSHI LAHAN
W/O- DR. HIRANYA KR. GOGOI,
R/O- WARD NO. 3, MOIDAMIA,
P.O.- NORTH LAKHIMPUR,
DIST.- LAKHIMPUR, ASSAM,
PIN- 781001.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION, DISPUR,
GUWAHATI- 781006.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019.

3:THE INSPECTOR OF SCHOOLS
LAKHIMPUR DISTRICT CIRCLE
NORTH LAKHIMPUR

DISTRICT- LAKHIMPUR
ASSAM

PIN- 787001

Advocate for the Petitioner : MR J ABEDIN

Advocate for the Respondent : SC, SEC. EDU.

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 31.07.2023

Heard Mr. J.Abedin, learned counsel for the petitioner. Also heard Mr. B.Kaushik, learned standing counsel, Secondary Education Department for the respondent Nos. 1, 2 and 3.

2. While the petitioner was serving as a Subject Teacher in English in Sissichariali Higher Secondary School, Dhemaji, she was transferred to Saboti Welfare Multipurpose Higher Secondary School, Lakhimpur on 05.06.2004. The petitioner responded to an Advertisement dated 21.03.2018, inviting candidates for filling up the vacant regular post of Principal of Saboti Welfare Multipurpose Higher Secondary School, North Lakhimpur. After the recruitment process, the Selection Committee selected three candidates and the petitioner was placed at Sl. No.1. The case of the petitioner was recommended by the State Selection Committee and was given approval by the Government by letter dated 29.12.2018.

3. One unsuccessful candidate challenged the selection of the petitioner by filing WP(C)/8325/2018 and this Court by order dated 03.12.2018, passed an interim order staying the further process of the selection. Thereafter, the interim order dated 03.12.2018 was vacated by order dated 06.03.2019 passed in I.A. (Civil)/597/2019. Being aggrieved with the vacation of the interim order, the petitioner in WP(C)/8325/2018 filed Writ Appeal No.92/2019, challenging the

order dated 06.03.2019. The Hon'ble Division Bench by order dated 05.04.2019, allowed the interim order dated 03.12.2018, passed in WP(C)/8325/2018 to remain in force and by order dated 23.12.2021 the matter was remanded back for disposal and the interim order was allowed to continue.

4. As the petitioner in WP(C)/8325/2018 retired from service in February, 2022, this Court by order dated 29.04.2022 closed the WP(C)/8325/2018.

5. Consequently, petitioner filed a representation dated 16.05.2022, before the Director of Secondary Education, Assam praying for appointment against the said regular post of Principal. The Director, Secondary Education Department by letter dated 31st of May, 2022, addressed to the Secretary to the Govt. of Assam, Secondary Education Department requested to issue a fresh approval for appointment of regular post of Principal in respect of the petitioner as she was recommended by the State Selection Committee. However, as till date, no further steps have been taken, the petitioner is before this Court.

6. At this stage, Mr. B.Koushik, learned standing counsel, Secondary Education Department submits that the Secretary, School Education Department had sought the opinion of the learned Advocate General which has already been given.

7. Accordingly, this writ petition is disposed of directing the Secretary, School Education Department/respondent No.1 to proceed in accordance with law and thereafter finalize the matter with regard to appointment of regular Principal of

Saboti Welfare Multipurpose Higher Secondary School, North Lakhimpur within a period of 2(two) weeks from the date of receipt of a copy of the order of this Court.

8. With the aforesaid observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant