

GAHC010125912023



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

Case No. : WP(C)/3355/2023

MD AZIOR RAHAMAN
S/O- LATE HAJI BASIR ALI,
R/O- VILLAGE SAPORMOINA,
NIZLAKHIPUR PART III,
P.O AND P.S- LAKHIPUR,
DIST- CACHAR, ASSAM, PIN-788103

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM, ELEMENTARY EDUCATION DEPARTMENT
DISPUR, GUWAHATI, PIN- 781006.

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

3:THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
ELEMENTARY EDUCATION DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE PRINCIPAL SECRETARY
DIMA HASAO AUTONOMOUS COUNCIL
HALFLONG

DIST- DIMA HASAO
ASSAM

5:THE ADDITIONAL DIRECTOR OF EDUCATION

(HILLS) HALFLONG

DIST- DIMA HASAO
ASSAM

6:THE INSPECTOR OF SCHOOLS
N.C HILLS
HALFLONG

DIST- DIMA HASAO
ASSA

Advocate for the Petitioner : MR. N C DAS

Advocate for the Respondent : SC, ELEM. EDU

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

20-07-2023

Heard Mr. N.C.Das, learned Senior counsel assisted by Mr. A. Dey, learned counsel for the petitioner and Mr. B. Talukdar, learned Standing counsel, Department of School Education (Elementary) for the respondent Nos. 1 to 3.

2. On being recommended by the Selection Committee, the Director of Elementary Education, Assam by order under Memo No. EAA.16/97/Pt dated 25.03.1999 appointed the petitioner as Sub-Inspector of Schools in the regular scale of pay of Rs. 3,580/- to Rs. 8,750/- per month and other allowances as admissible under the Rules and posted him against a vacant post of Sub-Inspector of Schools under the Deputy Inspector of Schools, Silchar Sub-Division, District-Cachar.

3. By the Notification No. AEE.365/2009/Pt/27 dated 05.05.2011, the petitioner along with 23 others were promoted as the Block Elementary Education Officer (BEEO) under Clause 4 (d) of the APSC (Limitation and Function) Regulation, 1951 in the scale of pay of Rs. 8,000/- to Rs. 35,000/- per month in the Pay Band-3 with Grade Pay of Rs. 4,500/- as per the Revision of Pay, 2010 plus other allowances as admissible.

4. By order dated 25.05.2012, the Commissioner and Secretary to the Government of Assam in the Department of Elementary Education posted the petitioner as the BEEO at Katlicherra, District-Hailakandi and subsequently, by order dated 16.08.2017, the said authority transferred the petitioner to Rangia in the district of Kamrup. Thereafter, by the Notification dated 06.09.2019, the Secretary to the Government of Assam in the Elementary Education Department transferred the petitioner from Rangia and posted him as the Deputy Inspector of Schools, Dima Hasao under North Cachar Hills Autonomous (NCHA) Council. The petitioner served more than 3 years at Haflong in the district of Dima Hasao under NCHA Council.

5. The petitioner submitted a representation on 01.08.2022 before the Director of Elementary Education, Assam for his transfer from the North Cachar Hills, Dima Hasao, District-Haflong to any other places in the Brahmaputra Valley/Barak Valley and on 21.09.2022, it was forwarded by the Director of Elementary Education Assam to the Secretary to the Government of Assam in the Department of School Education that is yet to be considered.

6. Thereafter, the petitioner filed another representation on 01.11.2022 before the Secretary to the Government of Assam in the Department of Elementary Education to consider his transfer and posting out of Dima Hasao, District-Haflong and to post him in a district of Barak Valley, which is also pending for consideration by the respondent authorities.

7. During the deliberation of the matter, Mr. Das, learned Senior counsel for the petitioner placed before the Court a copy of the order No. GA/TS/3-EDN/2018-2019/72 dated 30.09.2022, whereby the Deputy Secretary (Personnel) NCHA Council, Haflong released the petitioner from the authority of NCHA Council and reverted him back to the parent department in the Education Department of the State and thereby placed him in the disposal of the Elementary Education Department and allowed one Shri Ezra Ralsuna Lalsim, Sub-Inspector of Schools of Haflong to hold the charge of the Deputy Inspector of Schools, Dima Hasao, Haflong in addition to his normal duties with immediate effect until further order having the approval of the CEM of the NCHA Council. Pursuant to the same, said Ezra Ralsuna Lalsim took over the charge from the petitioner on 17.12.2022. However, after such release by the authorities in the NCHA Council, the respondent authorities in the Elementary Education Department of the State have not yet posted the petitioner till date.

8. Considering the above, the petitioner is directed to submit a fresh representation before the Secretary to the Government of Assam in the Department of School Education on or before 05.08.2023 for his posting as the Deputy Inspector of Schools in an appropriate place along with the certified copy of this order, copy of the order No. GA/TS/3-EDN/2018-2019/72 dated 30.09.2022

issued by the Deputy Secretary (Personnel) N.C. Hills Autonomous Council, Haflong and other relevant documents, his residential address, e-mail address, phone number, mobile number etc.

9. In the event of filing such representation by the petitioner within the time so specified, the Secretary to the Government of Assam in the Department of School Education, shall dispose of the representation of the petitioner on or before 31.08.2023 intimating him about the outcome of his said representation and his posting as per the requirement of the authorities in the Elementary Education Department of the State.

10. With the above observation and direction, this writ petition stands disposed of.

11. Copy of the order No. GA/TS/3-EDN/2018-2019/72 dated 30.09.2022 as well as the copy of handing over and taking over of charge by the petitioner on 17.12.2022 issued by the Deputy Inspector of Schools, Dima Hasao, Haflong in terms of the order dated 30.09.2022, be kept as part of the record.

JUDGE

Comparing Assistant