

GAHC010172612023



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

Case No. : WP(C)/4493/2023

DEBOJIT BORAH
SON OF LATE TOSHEWAR,
R/O- GANESH NAGAR, HOUSE NO. 5,
SIVADARSHAN PATH, DIST.- KAMRUP,
ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION,
DISPUR, GUWAHATI- 06.

2:THE DIRECTOR OF NON-FORMAL AND ADULT EDUCATION
ASSAM
JATIA
KAHILIPARA ROAD
GUWAHATI-19.

3:DUBARI MAHANTA BHUYAN
ASSISTANT DIRECTOR
DIRECTORATE OF NON-FORMAL AND ADULT EDUCATION
ASSAM
JATIA
KAHILIPARA ROAD
GUWAHATI-19

Advocate for the Petitioner : MR. U K NAIR

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HON'BLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

14.08.2023.

Heard Mr. U.K. Nair, learned Senior Counsel being assisted by Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. U. Sarma, learned standing counsel for the Secondary Education Department representing the respondent Nos.1 & 2.

This writ petition is filed by the petitioner seeking a direction to the respondents to promote him to the post of Assistant Director, State Resource Center under the Directorate of Non-formal and Adult Education, Assam, which had fallen vacant due to superannuation of the incumbent on 31.07.2023.

It is submitted by the petitioner that the petitioner filed a representation before the competent authority for consideration of his case for promotion to the post of Assistant Director, State Resource Center under the Directorate of Non-formal and Adult Education, Assam. It is further submitted that the private respondent No.3 had in the meantime preferred another representation to submit that in the vacant post of Assistant Director, her case should be considered in place of present petitioner.

Mr. U.K. Nair, learned Senior Counsel for the petitioner submits that the respondent No.3 is presently holding the post of Training Officer in the Directorate of Non-formal and Adult Education, Assam on promotion and the said post is equivalent to the post of Assistant Director. Under such circumstances, the claim of the respondent No.3 to promote her to the post of Assistant Director, overlooking the claim of the petitioner is not justified.

The learned senior counsel for the petitioner further submits that the petitioner

had also represented before the authorities concerned and that the representation has remained unattended till date. In the meantime, the State respondents, by the order dated 31.07.2023, has permitted the respondent No.3 to hold charge of the Assistant Director, State Resource Center under the Directorate of Non-formal and Adult Education, Assam with financial power under FR 49-c, in addition to her own duties as a Training Officer & DAEO, Kamrup, w.e.f. 01.08.2023 untill further order.

Mr. U. Sarma, learned standing counsel for the Secondary Education Department representing the respondent Nos.1 & 2 submits that he has not received any instruction from the Department and prays for further time.

Upon hearing the learned counsels for the parties, this Court is of the view that since it is submitted that the representation filed by the petitioner has remained pending, ends of justice will be served if the representation stated to be filed by the petitioner before the respondent authorities, is disposed of by passing a reasoned order. It is directed accordingly.

Before disposing of the representation, the petitioner and any other affected party may also be heard.

Any such order that is passed by the respondent authority, in pursuance to the direction of this Court, copy thereof shall be served upon the petitioner.

The above exercise will be completed within a period of sixty (60) days from the date of receipt of the certified copy of this order.

With the above observation, the writ petition stands closed.

JUDGE

Comparing Assistant