

GAHC010179192018



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

Case No. : WP(C)/5784/2018

PANNA LAL PAUL
S/O. LATE NISHIKANTA PAUL, PERMANENT RESIDENT OF SETTLEMENT
ROAD (NEAR BSF CAMP), P.O. KARIMGANJ, P.S. KARIMGANJ, DIST.
KARIMGANJ, ASSAM, PIN- 788712

VERSUS

THE STATE OF ASSAM AND 4 ORS.
TO BE REPRESENTED BY THE GOVT. OF ASSAM, ELEMENTARY
EDUCATION DEPTT., DISPUR, GUWAHATI-6.

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

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
KARIMGANJ
P.O.
.S. AND DIST. KARIMGANJ
ASSAM
PIN- 788712

4:THE PRINCIPAL SECRETARY
N.C. HILLS AUTONOMOUS COUNCIL
HAFLONG
PIN- 788819.

5:THE INSPECTOR OF SCHOOLS
DIMA HASAO DISTRICT CIRCLE

HAFLONG
PIN- 788819

Advocate for the Petitioner : MR. A M S MAZUMDER

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

19.04.2023

Heard Mr. F. A. Laskar, the learned counsel for the petitioner and P. N. Sarma, the learned counsel appearing on behalf of the Elementary Education Department as well as Mr. A. Khanikar, the learned counsel appearing on behalf of the respondent Nos.4 & 5.

2. The case of the petitioner herein is that the petitioner was transferred from Rani ME School under Dima Hasao District to Sri Radha Raman Goswami ME School at Karimganj District vide an order dated 12.01.2016. Pursuant thereto, on 08.02.2016, the authorities of the North Cachar Hills Autonomous Council released the petitioner so as to enable him to join his new place of posting at Sri Radha Raman Goswami ME School under Karimganj District. Subsequent thereto, on 01.03.2016, the Inspector of Schools, Dima Hasao, Haflong has also released the petitioner with immediate effect to enable him to join at Sri Radha Raman Goswami ME School under Karimganj District.

3. In the meantime, the petitioner was engaged in the NRC duty. Subsequent thereto, vide an order dated 09.02.2018, the petitioner was

released from the NRC duty so as to enable him to join his new place of posting at Sri Radha Raman Goswami ME School, Karimganj. When the petitioner went to join the said post, somebody else was appointed and posted at Sri Radha Raman Goswami ME School, Karimganj and as such, the petitioner has no place for joining. It is under such circumstances the instant writ petition has been filed challenging the order of transfer dated 12.01.2016 with the prayer that the petitioner be posted against the vacant post at Janakalyan Tapshili ME School, Karimganj.

4. This Court vide an order dated 27.08.2018 issued notice making it returnable by 03.10.2018, and in the meantime, directed the respondent authorities to ensure that the petitioner received his salary and allowances. Thereupon, the matter has been listed today after a period of almost 5 years.

5. Mr. P. N. Sarma, the learned counsel appearing on behalf of the Elementary Education Department submits that on 20.09.2018, the petitioner was reposted at Janakalyan Tapshili ME School under the BEEO North Karimganj with immediate effect keeping all other terms and conditions of the earlier order dated 12.01.2016 intact.

6. The learned counsel appearing on behalf of the Elementary Education Department further produced an instruction issued by the District Elementary Education Officer, Karimganj wherein it has been mentioned that the petitioner was reposted at Janakalyan Tapshili ME School as Headmaster under BEEO, North Karimganj by the Director of Elementary Education vide an order dated 20.09.2018, and accordingly, the petitioner had joined Janakalyan Tapshili ME School on 05.10.2018 and has been discharging his duty continuously till date and has been

receiving his salary. The said instruction so produced by Mr. P. N. Sarma, the learned counsel appearing on behalf of the Elementary Education Department is kept on record and marked with the letter "X".

7. Taking into account the contents of the instructions so placed which shows that the relief which was sought by the petitioner was granted, nothing survives in the instant writ petition for which the instant writ petition stands closed.

JUDGE

Comparing Assistant