

GAHC010274492023



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

Case No. : WP(C)/7070/2023

MADHAB PATGIRI AND 3 ORS
S/O- LATE HARI PATGIRI, SUB-INSPECTOR OF SCHOOL, BAJALI
EDUCATION BLOCK, P.O.- PATSALA, DISTRICT- BAJALI, ASSAM, PIN-
781325

2: JINNA ALOM
S/O- LATE KAFIL UDDIN AHMED
IN CHARGE BLOCK ELEMENTARY EDUCATION OFFICER (BEEO)
CHAPAR-SALKOCHA EDUCATION BLOCK
P.O. PATSALA
DISTRICT- BAJALI
ASSAM
PIN- 781325

3: RABINDRA KUMAR PATHAK
S/O- LATE LABARAM PATHAK
SUB-INSPECTOR OF SCHOOLS
KAMRUP (M)
GUWAHATI
P.O.- CHATTRIBARI
DISTRICT- KAMRUP (M)
ASSAM
PIN- 781008

4: KISHOR KUMAR RAJBONGSHI
S/O- LATE PUSHPA RAM RAJBONGSHI
SUB-INSPECTOR OF SCHOOL
BHAWANIPUR EDUCATION BLOCK
P.O.- HOWLY
DISTRICT- BARPETA
ASSAM
PIN- 78131

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE SECRETARY, DEPARTMENT OF SCHOOL
EDUCATION, ASSAM, DISPUR, GUWAHATI- 781006

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY- 78101

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

13.12.2023

Heard Mr. M. Khan, learned counsel for the petitioners.

The present petitioners, who were initially recruited as Sub Inspector of Schools, on achieving the eligibility for being considered for promotion to the post of Block Elementary Education Officer (BEEO), were so considered and vide Notification dated 15.12.2022, the petitioners were promoted to the post of BEEO. In the said notification, the places of posting of the petitioners were also mentioned. However, the promotions of the petitioners could not be effected in view of the fact that an *interim* direction was passed by this Court vide order dated 22.12.2022 in WP(C) 8382/2022, by which the promotion of the petitioner Nos.1, 2 and 4 and three others was kept under suspension. The petitioners have by way of instituting the present proceedings, prayed that the promotions effected in their cases be maintained and they be posted against vacant posts in non-BTAD areas.

It is stated in the Bar that the writ petition, being, WP(C) 8382/2022 has been withdrawn by the petitioners therein today, i.e. 13.12.2023 and consequently, the *interim* direction operating therein has also been vacated.

In view of the said position, the bar as existing in giving effect to the promotion of the present petitioners no longer exists and the Notification dated 15.12.2022 in so far as it concerns the petitioners stands revived. Accordingly, the respondent authorities are directed to give effect to the promotion of the petitioners to the post of BEE0 in terms of the Notification dated 15.12.2022. The said exercise be completed within a period of 30 (thirty) days from the date of receipt of a certified copy of this order.

It is open to the respondent authorities, in the event it is so felt necessary, to change the places of posting of the petitioners. However, it is to be noted that the persons placed below the petitioners having been promoted in terms of the Notification dated 15.12.2022 and the petitioners' promotion not being effected on account of the *interim* direction passed by this Court, the respondent authorities, while effecting the promotion in case of the petitioners, shall do so w.e.f. the date their juniors were promoted. But the petitioners will not be entitled to any arrears of salary and allowances. The petitioners will be entitled to pay in their promotional posts only from the date of their actual joining. The period from the date on which their juniors have joined till the actual joining of the petitioners, shall be considered for the purpose of notional fixation of pay, seniority etc.

The writ petition, accordingly, stands disposed of.

JUDGE

Comparing Assistant