

GAHC010276662023



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

**Case No. : WP(C)/7137/2023**

ABDUL HANNAN MAZUMDER  
S/O- FORJAN ALI MAZUMDER, R/O- VILL- HAILAKANDI TOWN, W/NO. XI  
P.O. RATANPUR ROAD, DIST.- HAILAKANDI, ASSAM, PIN- 788155

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,  
DEPARTMENT OF SCHOOL EDUCATION, ASSAM, DISPUR, GUWAHATI-  
781006

2:THE DIRECTOR OF SECONDARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI-19

3:THE INSPECTOR OF SCHOOLS  
HAILAKANDI DISTRICT CIRCLE CUM ADDITIONAL DISTRICT  
COMMISSIONER  
HAILAKANDI  
P.O. AND DISTRICT- HAILAKANDI  
ASSAM  
PIN- 788151

4:HAILAKANDI TOWN HIGH SCHOOL  
REPRESENTED BY ITS HEADMASTER  
HAILAKANDI TOWN  
W/NO. XI  
P.O. RATANPUR ROAD  
PIN- 788155

5:BHAGWAT PRASAD HIGH SCHOOL

REPRESENTED BY ITS HEADMASTER  
BURNIE BREAS T.E.  
NORTH NARAYANPUR PT-II  
P.O. NARAYANPUR  
DIST.- HAILAKANDI  
PIN- 78815

**Advocate for the Petitioner** : MR. M KHAN

**Advocate for the Respondent** : SC, SEC. EDU.

**BEFORE**  
**HON'BLE MR. JUSTICE SOUMITRA SAIKIA**  
**ORDER**

13.12.2023

Heard Mr. M. Khan, learned counsel for the petitioner and Mr. J. K. Goswami, learned Additional Senior Government Advocate, Assam. Also heard Mr. N. J. Khataniar, learned Standing Counsel appearing on behalf of Secondary Education Department.

This writ petition is filed by the petitioner praying for issuance of a writ, direction or order setting aside the impugned order dated 12.09.2023 by which the petitioner was deployed and placed temporarily at Bhagwat Prasad High School.

It is the submission of the learned counsel for the petitioner that the petitioner is a Classical Teacher teaching Arabic in the school in which the petitioner is working, namely, Hailakandi Town High School. He is the only Classical Teacher in the said school. It is submitted that under such circumstances, the impugned order dated 12.09.2023 does not appear to have been issued in public interest as the petitioner is the only Classical

Teacher teaching Arabic in the said school having 200 students and that the temporary deployment of the petitioner at Bhagwat Prasad High School on the ground that there is shortage of teacher is not factually correct. It is the further submission of the learned counsel for the petitioner that in Bhagwat Prasad High School already there is one more Classical Teacher. As such, the reason for temporary deployment of teacher by impugned the order issued by the Additional District Commissioner, Hailakandi and the Inspector of Schools, Hailakandi is unjustified. In this connection, the petitioner has preferred a representation before the respondent authorities requesting for reconsidering the order dated 12.09.2023. It is submitted by the learned counsel for the petitioner that the said representation dated 16.10.2023 before the Director of Secondary Education, Assam, Kahilipara has remained unattended and no order has been passed by the Director of Secondary Education.

Mr. N. J. Khataniar, learned Standing Counsel appearing on behalf of Secondary Education Department submits that there is no infirmity in the order dated 12.09.2023 issued by the Additional District Commissioner, Hailakandi and the Inspector of Schools, Hailakandi. It was issued in public interest and therefore there is no merit in the writ petition. He, however, submits that he has no instructions on the status of the representation filed by the petitioner.

Having heard the learned counsel for the parties and upon due consideration of the submissions made before this Court, this Court is of the considered opinion that the writ petition can be closed by directing the Director of Secondary Education, Assam to dispose of the representation stated to have been preferred by the petitioner.

Therefore, the Director of Secondary Education, Assam is directed to dispose of the representation of the petitioner dated 16.10.2023 by passing speaking order within a period of 15 (fifteen) days from the date of receipt of a certified copy of this order.

Any such speaking order passed disposing of the representation of the petitioner, copies thereof be furnished to the writ petitioner. The joining of the petitioner in his new place of posting shall not operate as a bar for the Director of Secondary Education to consider and dispose of the representation of the petitioner, in terms of the directions above.

The instant writ petition accordingly stands disposed of in terms of the above.

**JUDGE**

**Comparing Assistant**