

GAHC040015312024



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

Case No. : WP(C)/524/2024

Ojing Ngukir
Son of Shri Yongom Ngukir, resident of Bolung Village, PO and PS Roing, Lower
Dibang Valley District, Arunachal Pradesh.

VERSUS

The State of AP and 2 Ors
represented by the Secretary, Education, Govt of Arunachal Pradesh, PO and PS
Itanagar, Papum Pare District, Arunachal Pradesh. 2:The Deputy Director of School
Education
Age: 0
Occupation :
East Kameng District
Seppa
Arunachal Pradesh.

3:The Principal
Age: 0
Occupation :
Govt Higher Secondary School
Chayangtajo
PO and PS Seppa
East Kameng District
Arunachal Pradesh

Advocate for the Petitioner : Duge Soki,

Advocate for the Respondent : Taba Tagum, SC (Education)

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 14-11-2024

Heard Mr. D. Soki, learned counsel for the petitioner. I have also heard Mr. T. Tagum, learned Standing counsel, Education Department.

2. The case of the petitioner is that vide order dated 13.08.2024, issued by the Director of Secondary Education, Government of Arunachal Pradesh, the petitioner has been transferred from Government Higher Secondary School, Chayangtajo, East Kameng District to the Government Higher Secondary School, Chongkam in Namsai District.

3. Pursuant to the said transfer order dated 13.08.2024, vide an order No. DSE-11012/1/2024, the Principal, Government Higher Secondary School, Chayangtajo (respondent no. 3) has released the petitioner from the said School in order to enable him to join his new place of posting. However, inspite of the issuance of the transfer order and the released from his School, the Deputy Director of School Education, East Kameng District, Seppa (respondent no. 2) has not yet issued the release order.

4. It is submitted that in the case of inter district transfer, a person has to be released by the Deputy Director of School Education of the district on the approval of the Deputy Commissioner of the concerned district.

5. It is the case of the petitioner that on non-release by Deputy Director of School Education, East Kameng District (the respondent no. 2), even after issuance of the release order by the Principal of the concerned secondary school, the petitioner has submitted an application before the respondent no. 2

praying for his release from the Government Higher Secondary School, Chayangtajo in East Kameng district in order to enable him to join his new place of posting at Government Higher Secondary School, Chongkam in Namsai District. However, despite of the said request made by the petitioner, the respondent no. 2 has not yet released the petitioner. Hence, by filing this petition under Article 226 of the Constitution of India, the petitioner is seeking for a direction for his release.

6. The learned counsel for the petitioner submits that in a similar case being numbered as WP(C)/461/2024, arising out of the same transfer order, when the authority concerned did not release the petitioner, the petitioner approached this Court and by an order dated 22.10.2024, this Court has directed the respondent, more particularly the respondent no. 3, to issue the release order within a period of 15(fifteen) days from the date of receipt of the certified copy of the said order. In this writ petition, the petitioner is seeking for a similar direction for his release in pursuance to the transfer order dated 13.08.2024.

7. Mr. T. Tagum, learned Standing counsel for the Education Department representing all the respondents submits that in case of the inter district transfer of the teachers, the approval of the Deputy Commissioner of the concerned district is necessary for release of the transferred officers. However, he submits that the respondent no. 2 has already put up the case of the petitioner before the concerned Deputy Commissioner for his approval and the same is likely to be completed within 2 (two) weeks, hence, he submits that the matter may be disposed of by 2(two) weeks time to the respondents for completion of the process.

8. Having regard to the submission made by the learned counsel for the parties, this Court finds it fit and proper to dispose of the instant writ petition at the motion stage itself with a direction to the respondents, more particularly, the respondent no. 2 to release the petitioner from the Government Higher Secondary School, Chayangtajo in East Kameng district in terms of the transfer order dated 13.08.2024 in order to enable him to join his new place of posting at Government Higher Secondary School, Chongkam in Namsai District. Such exercise shall be completed within 15 (fifteen) days from the date of receipt of the certified copy of this order.

9. With the observation made above, this writ petition stands disposed of.

JUDGE

Comparing Assistant