

GAHC040015682023



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

Case No. : WP(C)/542/2023

Akham Wangnow

S/o Tinge Wangnow, A Permanent resident of Lower Chinkoi village, P.O/P.S Dadam,
District Tirap, Arunachal Pradesh. Occupation PRT, Govt. Primary School, Laho
Thinsa, District Tirap, Arunachal Pradesh.

VERSUS

The State of AP and 3 Others

Through the Commissioner (Education), Govt. of Arunachal Pradesh, Itanagar.

2:The Director of Elementary Education

Age: 0

Occupation :

3:The Deputy Commissioner

Age: 0

Occupation :

4:The Deputy Director of School Education

Age: 0

Occupation

Advocate for the Petitioner : C W Mantaw

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

JUDGMENT & ORDER (ORAL)

Date : 13-03-2024

None appears for the petitioner on call.

2. Heard Mr. T. Taba, learned standing counsel for the Department of School Education for respondents No. 1, 2 & 4 and Ms. K. Wangmo, learned Government Advocate appearing for respondent No. 3.

3. The present petition has been instituted by the petitioner being aggrieved by an order, dated 17.10.2023, issued by the Deputy Commissioner, Tirap District. Transferring and posting the petitioner at GPS, Thungjang with immediate effect.

4. The primary ground urged by the petitioner in the present writ petition is that the said order was issued by an authority not having jurisdiction over the matter involved. The perusal of the order dated 17.10.2023, reveals that the same was issued from the office of the Deputy Commissioner of School Education, Tirap District, Khonsa but such order were signed by the Deputy Commissioner, Tirap District, Khonsa. It is not understood as to how the Deputy Commissioner could have signed or issued an order which actually in fact was issued by the office of the Deputy Director of School Education, Tirap District, Khonsa.

5. Having perused the materials as brought on record and also the ground urged by the petitioner in the writ petition that the order, dated 17.10.2023, was so issued by an authority not having jurisdiction over the matter, the order, dated 17.10.2023, is interfered with.

6. The petitioner be allowed to continue at his present place of posting. In the event, the petitioner is required to be transferred to any other school, such order of transfer be issued by the competent authority after determining the public interest and administrative exigency existing in the matter for effecting such transfer.

7. With the above observations and directions, writ petition stands disposed of.

JUDGE

Comparing Assistant