

GAHC010006292024



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

Case No. : WP(C)/200/2024

SAHANARA BEGUM LASKAR
D/O- LT. HAZIABDUL RADIS LASKAR, W/O- ZAMIL AHMED, VILL- LALA
PART-I, P.O. AND P.S. LALA, DIST.- HAILAKANDI, ASSAM, PIN- 788163

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI-6

2:THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF SCHOOL EDUCATION
DISPUR
GUWAHATI-6

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
HAILAKANDI
DISTRICT- HAILAKANDI
ASSAM
PIN- 788151

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
LALA
DIST. HAILAKANDI
ASSAM
PIN- 788163

6:THE BLOCK ELEMENTARY EDUCATION OFFICER
HAILAKANDI
DISTRICT- HAILAKANDI
ASSAM
PIN- 788151

7:THE HEAD TEACHER
DHANIPUR M.E. SCHOOL
VILL. DHANIPUR
P.O. LALA
DIST.- HAILAKANDI
ASSAM
PIN- 788163

8:THE HEAD TEACHER
RABIDASPARA L.P. SCHOOL
VILL. NORTH NARAYANPUR PART- 2
P.O. NORTH NARAYANPUR
PIN- 788801

9:JAHANARA BEGOM LASKAR
D/O- AZMOT ALI LASKAR
VILL. MOHANPUR PART-III
P.O. MOHANPUR
DIST.- HAILAKANDI
ASSAM
PIN- 78815

Advocate for the Petitioner : MR. S B LASKAR

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 24.04.2024

Heard Mr. S. B. Laskar, learned counsel for the petitioner. Also heard Mr. G. Pegu, learned Standing Counsel, Elementary Education.

2. This writ petition is filed by the petitioner, who was accommodated as a tutor in Rabidaspara L.P. School under Hailakandi Education Block by order

dated 23.09.2022. It is submitted that pursuant to her accommodation as a tutor in the Rabidaspara L.P. School by creating a supernumerary post as per the policy decision taken by the Government, the petitioner continued to render her services in the said school as a tutor.

3. As per the joining letter, she joined in her services as a tutor on 24.09.2022 and since the date of her joining, she has been rendering her services but the salaries have not been paid. Being aggrieved, she has approached before this Court praying for necessary orders for release of her salary.

4. On the earlier occasion, the learned Standing Counsel, Education was permitted to obtain required instructions in the matter. Today, when the matter is called up Mr. G. Pegu, learned Standing Counsel, elementary Education submits that the relevant records and files are available in the office of the Secretary, School Education, Government of Assam as per the instructions received from the Director of Elementary Education.

5. It is submitted that there is some dispute with regard to the names of the teachers in respect of the said appointment between the petitioner and the respondent No.9. Petitioner is Sahanara Begum Laskar, aged about 47 years, D/O.-Late Hazi Abdul Rasid Laskar, W/O-Zamil Ahmed and a resident of Vill-Lala Part-I P.O and P.S. Lala, District-Hailakandi, Assam, Pin-788163 whereas, the respondent No.9 is Jahanara begum Laskar, D/O.-Azmot Ali Laskar, Vill-Mohanpur, Part-III, P.O. Mohanpur, District-Hailakandi, Assam, Pin-788150.

6. Since it is submitted that all the relevant records relating to the dispute are available in the office of the Secretary to the Government of Assam, Department of School Education, namely, the respondent No.2, the respondent No.2 is directed to look into the grievances of the writ petitioner and after examination

of all relevant records, will pass necessary speaking order. Any such order that is passed, a copy thereof shall be served on the writ petitioner.

7. The respondent No.9 or any other interested party should be given notice and heard before any such speaking order is passed. For the purposes of carrying out the direction, the respondent No.2 will consider the present writ petition to be a representation being filed before the respondent No.2.

8. The entire exercise be completed within a period of 60 (sixty) days from the date of receipt of a certified copy of this order.

9. Writ petition is accordingly, disposed of. No order as to cost.

JUDGE

Comparing Assistant