

GAHC010006332024



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

Case No. : Cont.Cas(C)/32/2024

GEETASHREE DAS
M.A., B.ED.,
SUBJECT TEACHER (ENGLISH),
SWARNA LAKSHMI HIGHER SECONDARY SCHOOL,
NARSHINGPUR, P.O.- NARSHINGPUR,
DISTRICT- CACHAR, ASSAM, PIN- 788115.

VERSUS

MAMATA HOJAI
DIRECTOR OF SECONDARY EDUCATION, ASSAM CUM MEMBER
SECRETARY,
STATE SELECTION COMMITTEE, ASSAM,
KAHILIPARA, GUWAHATI- 781019.

Advocate for the Petitioner : MR. S K DAS

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

29.01.2024

Heard Mr. S.K. Das, learned counsel for the petitioner.

2. This contempt petition has been filed by the petitioner alleging willful

disobedience of the Judgment and Order dated 19.10.2023 passed in W.P.(C) No. 1740/2020 along with W.P.(C) No. 5221/2022. By the said order, the challenge was made by the petitioner to the impugned order dated 24.01.2020 whereby the B.Ed degree of the petitioner was held to be invalidated and consequently her case was not considered for appointment to the post of Principal of Swarna Lakshmi Higher Secondary School, Cachar.

3. The Co-ordinate Bench of this Order by Judgment and Order dated 19.10.2023. passed in W.P.(C) No. 5221/2022 dismissed the W.P.(C) No. 5221/2022 but allowed W.P.(C) No. 1740/2020. The said W.P.(C) No. 1740/2020 was filed by the petitioner. Interim order passed in W.P.(C) No. 5221/2022 stood vacated and it was held that the contempt petitioner be given the benefit of allowing the writ petition in W.P.(C) No. 1740/2020 whereby the impugned order dated 24.01.2020 passed by the Department was held to be invalid and accordingly set aside.

4. Pursuant thereto, the petitioner submitted her representation dated 01.11.2023 praying for appointment to the post of Principal of the Swarna Lakshmi Higher Secondary School, Cachar on the basis of the selection Board and pursuant to the advertisement dated 22.12.2018 read with the Judgment and Order dated 19.10.2023 passed in W.P.(C) No. 5221/2022 and W.P.(C) No. 1740/2020.

5. It is submitted that inspite of this order being brought to the notice of the respondent department, no steps have been taken and therefore the contempt petition has been filed.

6. Having carefully perused the Judgment and Order dated 19.10.2023 passed in W.P.(C) No. 5221/2022, in the said proceedings, the petitioner had assailed the impugned notification dated 24.01.2020. By the Judgment and order dated 19.10.2023, the writ petition was allowed and resultantly it is seen that impugned

notification was interfered with and set aside. However, the consequential benefit of consideration of the writ petitioner's claim to be appointed to the post of Principal was not carried out inspite of the impugned order, perhaps because there was no clear direction by the Co-ordinate Bench to appoint the petitioner or consider the petitioner for being appointed to the post of Principal.

7. Nevertheless, considering the fact that there is a Judgment and Order rendered by in Co-ordinate Bench setting aside with the impugned order, this contempt petition stands closed with the observation that the respondents will proceed to consider the case of the petitioner for the post of Principal, Swarna Lakshmi Higher Secondary School, Cachar in terms of the Judgment and Order dated 19.10.2023 in a time bound manner.

8. Accordingly, the contempt petition stands closed.

JUDGE

Comparing Assistant