

GAHC010015042024



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

Case No. : WP(C)/475/2024

SALEHA KHATUN TALUKDAR
W/O-JOSIM UDDIN TALUKDAR,
R/O- VILL CHOTO BASHJANI,
P.O- CHAGAL CHARA,
DIST- DHUBRI, ASSAM, PIN-783324

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM, ELEMENTARY EDUCATION DEPARTMENT
DISPUR, JANATA BHAWAN, GUWAHATI-6

2:THE DIRECTOR
ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE DISTRICT COMMISSIONER
DIST- DHUBRI
ASSAM

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DHUBRI
DIST- DHUBRI
ASSAM

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
GAURIPUR EDUCATION BLOCK
DIST- DHUBRI
ASSA

Advocate for the Petitioner : MR. A R BHUYAN

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HON'BLE MR. JUSTICE KARDAK ETE**

O R D E R

07.03.2024.

Heard Mr. A.R. Bhuyan, learned counsel for the petitioner. Also heard Ms. S. Chutia, learned standing counsel for the Elementary Education Department, Assam appearing for the respondents.

(2) The case of the petitioner pleaded in the present Writ Petition is that the petitioner was appointed as an Arabic Teacher of Mowlana Bhassani Memorial M.E.Madrassa under Gauripur Block in Dhubri District in the year 1985 and she was discharging her duty to the satisfaction of all concerned. It is contended that from the month of February, 2020, her salary was suddenly stopped without any reason and finding no other alternative, the petitioner had approached this Court by filing Writ Petition being WP(C) No.1015/2021, praying for release of her salary.

(3) Thereafter, the petitioner then learnt that an enquiry was conducted regarding her date of birth which is alleged to be fake. The petitioner, however, was not given any opportunity while making enquiry. Therefore, the petitioner had also assailed the enquiry report by filing another Writ Petition vide WP(C) No.5529/2022. In the meantime, District Elementary Education Officer (DEEO), Dhubri vide order dated 08-09-2022, directed the Block Elementary Education

Officer (BEEO), Gauripur to lodge fresh FIR against the petitioner. The petitioner challenged the order of the DEEO, by filling third writ petition i.e. WP(C) No.6562/2022.

(4) This Court, disposed of all the three Writ Petitions together by common order dated 15.06.2023, holding the impugned actions of the authorities to be arbitrary and also observed that the petitioner was out of service not on her own volition but for the aforesaid illegality of the respondents and therefore, the petitioner shall be entitled for the arrears of salary on her reinstatement. Accordingly, the impugned orders were interfered with, by directing the authorities to allow the petitioner to continue with her service.

(5) The petitioner submitted the certified copy of the order along with a representation to the respondents. However, despite the Court's order, the respondent authority without reinstating the petitioner in her service, further initiated a proceeding by way of issuing a show-cause notice dated 19.10.2023. The petitioner, therefore, being aggrieved with the impugned show cause notice, has again approached this Court by this present writ petition.

(6) On 29.02.2024, this Court has directed Ms. S. Chutia, learned standing counsel for the Elementary Education Department, Assam, to obtain instruction as regards the petitioner's grievance of not allowing her to continue in her service, pursuant to the order of this Court passed on 15.06.2023 in WP(C) No.6562/2022 and other connected Writ Petitions.

(7) Today Ms. S. Chutia, learned standing counsel for the Elementary Education Department, Assam has placed the communication dated 06.03.2024, by the Director of Elementary Education, Assam. As per the instruction, Ms. Chutia, the learned standing counsel submits that the Director has instructed

the DEEO, Dhubri to withdraw the orders dated 08.09.2022 and 24.02.2020. The Director has also requested the DEEO, Dhubri to submit arrear salary proposal for entire working period of the petitioner. It is also reflected that the petitioner was never debarred from continuing in her service.

(8) In view of above, I am of the view that no further adjudication is required to be made in present petition. Having considered the attending facts here-in-above, present writ petition is disposed of with a direction that the petitioner shall submit her joining report in accordance with the relevant Rules. Upon receipt of such joining report, the respondent authorities are directed to pass appropriate order(s), allowing her to continue in the service. It is also made clear that the authorities are at liberty to proceed with the inquiry, in accordance with the law, as directed by this Court vide order dated 15.06.2023 (Supra).

(9) The writ petition stands closed in terms of above.

JUDGE

Comparing Assistant