

GAHC010018942024



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

Case No. : WP(C)/492/2024

JATISH CH DEB
S/O LATE JAGADISH CH. DEB, R/O VILL-DURGANAGAR, P.O.-RAMNAGAR,
DIST-CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY, DEPARTMENT OF SCHOOL
EDUCATION, DISPUR, GUWAHATI-06

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE INSPECTOR OF SCHOOLS
CDC
CACHAR
SILCHAR
P.O.-SILCHAR
DIST-CACHAR
ASSAM
PIN-788001

4:THE INSPECTOR OF SCHOOLS
KDC
KARIMGANJ
P.O.-KARIMGANJ
DIST- KARIMGANJ
ASSAM
PIN-78871

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : SC, SEC. EDU.

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

O R D E R

07.03.2024.

Heard Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. U. Sarma, learned standing counsel for the Secondary Education Department, Assam appearing for the respondents.

(2) The pleaded case of the petitioner is that the petitioner while serving as Senior Assistant in the office of the Inspector of Schools, CDC, Silchar was transferred to M.H.C. Higher Secondary School along with 5 others. Challenging the said order, WP(C) No.4418/2023 has been filed and this Court, on 03.08.2023 passed an interim order to maintain the *status quo* by the parties and which is still pending for final adjudication. In the meantime, by the order dated 08.01.2024, the petitioner and 15 others have been promoted to the next higher post i.e. Head Assistant and the petitioner is posted from the office of the Inspector of Schools, CDC, Silchar to office of the Inspector of Schools, CDC, Karimganj. But the petitioner has not been released by the Inspector of Schools, CDC, Silchar to join in his new place of posting on promotion. The promotion is to be effected from the date of joining.

(3) This Court on 04.03.2024, directed Mr. U. Sarma, learned standing counsel for the Secondary Education Department, Assam to obtain instruction as the matter relates to non-release of the petitioner after his promotion and posting

from the post of Senior Assistant of the office of the Inspector of Schools, CDC, Silchar to the post of Head Assistant in the office of Inspector of Schools, KDC, Karimganj.

(4) Today Mr. U. Sarma, learned standing counsel for the Secondary Education Department, Assam has placed the instruction dated 04.03.2024, communicated by the Assistant Commissioner cum Inspector of Schools, CDC, Silchar wherein it is reflected that due to the upcoming General Elections, 2024, several reports with regard to Election requires to be submitted as schools are the designated polling stations and such work is better known by the petitioner, he being the Senior Assistant of the office. Moreover, the petitioner specially looks after the pension related works in the office of the Inspector Schools and the pension related works requires speedy dealing as pension needs to be released within a reasonable time. Since, there is no replacement it is difficult to ensure smooth functioning of the office, if the petitioner is released immediately, the functioning of the office will be severally hampered. However, as per the Government order, the petitioner shall be released soon.

(5) Having considered the above written instruction, I am of the view that the present petition be disposed of as no further issue is left to be determined. Accordingly, the Writ Petition is disposed of with the direction that the respondent authorities, particularly, the Assistant Commissioner cum Inspector of Schools, CDC, Silchar shall release the petitioner forthwith so as to enable him to join in his posting place at Karimganj. It is further provided that since the petitioner has filed an application for release on 10.01.2024, the release order shall be effective from the date of receipt of the application i.e. 11.01.2024, as may be permissible under the law.

(6) The writ petition stands disposed of in terms of above.

(7) A copy of this order be furnished to Mr. U. Sarma, learned standing counsel for the Secondary Education Department, Assam for necessary communication.

JUDGE

Comparing Assistant