

GAHC010041022024



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

Case No. : WP(C)/1054/2024

DEBANANDA SAIKIA
S/O LATE DANDIRAM SAIKIA
RESIDENT OF VILLAGE URIAMPARA, PO LIKHOH CHAPORI, PS BIHPURIA,
DIST LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY, DEPARTMENT OF EDUCATION GOVT.
OF ASSAM, ASSAM SECRETARIAT, DISPUR GUWAHATI 781006

2:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM KAHILIPARA
GUWAHATI 19

3:THE INSPECTOR OF SCHOOLS
LAKHIMPUR DISTRICT CIRCLE
NORTH LAKHIMPUR
ASSAM

4:THE PRINCIPAL
LAKHIMPUR POST GRADUATE TRAINING COLLEGE
LAKHIMPUR
ASSAM 78700

Advocate for the Petitioner : MR. R PHUKAN

Advocate for the Respondent : SC, EDU

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

28.02.2024

Heard Mr. R. Phukan, learned counsel for the petitioner. Also heard Ms. H. Terangpi, learned Standing Counsel, Secondary Education Department.

2. This writ petition is filed by the petitioner who is a Post Graduate Teacher at Khora Higher Secondary School, Lakhimpur. The petitioner was taken into custody on 13.10.2023 in connection with Bihupuria Police Station Case No.181/2032 under Sections 420/406/468/34 IPC and due to his arrest, the petitioner was placed under suspension from service with effect from 13.10.2023. However, the petitioner was granted bail in the above noted case vide order dated 11.12.2023 passed by this Court in Bail Appln. No.4169/2023 and was released from jail on 13.12.2023. Presently, the petitioner is under suspension.

3. It is submitted by the learned counsel for the petitioner that the petitioner is undergoing B.Ed. Degree in the Lakhimpur Post Graduate Training College on deputation basis. However, because of his suspension from service, the petitioner has not been allowed to attend the classes by the College Authorities. The petitioner has been informed that the *No Objection Certificate* (NOC) is necessary from the concerned authority in view of the fact that he has been

suspended from his service.

4. When the matter was called up the learned Standing Counsel, Secondary Education Department was permitted to obtain instructions in the matter today and accordingly the matter was called up again in the second half.

5. Learned Standing Counsel, Secondary Education Department on verbal instructions received from the Department submits that there is no objection in so far as the Department is concerned in respect of the writ petitioner attending the B.Ed. course. However, the petitioner's counsel submits that the College Authorities are not permitting the petitioner to undergo B.Ed. course and attend the various programmes undertaken by the College Authorities as a part of the curriculum unless an NOC is submitted from the Competent Authorities. One such programme, namely, *Community Survey Programme* is scheduled to be held on 01.03.2024. Learned counsel for the petitioner submits that if the respondent authorities issue an NOC then the petitioner would be permitted to attend the classes and participate in the *Community Survey Programme* scheduled to be held on 01.03.2024.

7. In view of the submissions made by the learned Standing Counsel, Secondary Education Department that there is no objection on the part of the Department if the petitioner undergoes the course of B.Ed Degree during his

period of suspension, this Court directs the respondent authorities, more particularly, the respondent no.3 i.e. the Inspector of Schools, Lakhimpur, North Lakhimpur to issue an NOC and /or any other such communication as required by the College authority permitting the petitioner to undergo the B.Ed. course during his period of suspension and take part such other programmes undertaken by the College Authorities as a part of the curriculum of the B.Ed. course. Since the *Community Survey Programme* is scheduled to be held on 01.03.2024, the respondent authorities are directed to issue necessary NOC reflecting their no objection expeditiously so that the petitioner can attend the programme on 01.03.2024.

8. With the above observation the writ petition stands disposed of.

A copy of this order be furnished to the concerned respondent authorities enabling them to carry out the directions passed by this Court.

JUDGE

Comparing Assistant