

GAHC010046552024



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

Case No. : WP(C)/1301/2024

PRODIP KUMAR CHUTIA
S/O LATE HEM KANTA CHUTIA, R/O TEOK, P.O. AND P.S.-TEOK, JORHAT,
DIST- JORHAT, ASSAM, PIN-785112

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION DEPARTMENT, SACHIVALAYA, DISPUR, GUWAHATI-6

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019

3:THE DEPUTY DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
JORHAT DISTRICT
PIN-785001
ASSAM

5:THE HEADMASTER
KANUPUHURI M.E. SCHOOL
TEOK
DIST- JORHAT
PIN-785112
ASSA

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR
ORDER

Date : 24.04.2024

Heard Mr. S. Borthakur, learned counsel for the petitioner. Also heard Mr. S. M. T. Chistie, learned Standing Counsel for the Elementary Education Department.

The petitioner in the present proceeding has prayed for a direction upon the respondent authorities for an interference with the speaking order dated 24.02.2020 and for a further direction to the authorities for accepting his voluntary retirement and for releasing to him his pension and other pensionary benefits.

Mr. Borthakur, learned counsel for the petitioner has very fairly submitted that the petitioner does not fulfill the minimum requisite service tenure for being permitted to proceed on voluntary retirement and accordingly, the said prayer of the petitioner may not be possible to be considered by this Court.

This Court also finds that the petitioner had actually resigned from his services and the same is also reflected in an order dated 03.09.1990, passed by the District Elementary Education, Officer, Jorhat, while appointing the wife of the petitioner as an Assistant Teacher in the school, wherein, the post

has been held to be fallen vacant on account of the resignation of the petitioner herein. The petitioner has also not assailed the said position in the writ petition.

In view of the above position, Mr. Borthakur, learned counsel for the petitioner submits that the petitioner be permitted to withdraw the present proceeding.

Prayer as sought for is accepted.

The writ petition stands dismissed on withdrawal.

JUDGE

Comparing Assistant