

GAHC010060332024



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

Case No. : WP(C)/1670/2024

GOLAK CHANDRA KALITA
S/O- LATE KHARGARAM KALITA,
VILLAGE- NIJ KAURBAHA,
PO- BORGHULI, PS- TAMULPUR,
DIST- BAKSA, ASSAM- 781354.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
SCHOOL EDUCATION DEPARTMENT,
DISPUR, GUWAHATI-6.

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

3:THE INSPECTOR OF SCHOOLS
KAMRUP(M) DISTRICT CIRCLE
PANBAZAR
GUWAHATI- 781001.

4:THE PRINCIPAL
KAMAKHYA HIGHER SECONDARY SCHOOL
KAMAKHYADHAM
GUWAHATI-20

Advocate for the Petitioner : MD S HOQUE, MS. E SIDDIQUI,MR. M DEKA

Advocate for the Respondent : SC, SEC. EDU.,

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR
ORDER**

Date : 31.07.2024

- 1.** Heard Mr. S. Hoque, learned counsel for the petitioner.
- 2.** Also heard Mr. S.M.T. Chistie, learned Standing counsel, Secondary Education Department, for respondent Nos. 1, 2 & 3.
- 3.** By an order dated 24th September, 2021, issued by the Director of Secondary Education, Assam, 116 Nos. of Govt. Non-Teaching Staff (17 Nos. L.D.A. and 99 Nos. Grade-IV) were appointed in different schools shown against their names with prospective effect. The name of the petitioner appears at Serial No. 31 in the said order and he is being shown to have been appointed in the Kamakhya Higher Secondary School, Kamakhyaadham, Guwahati. It is the case of the petitioner that he has to travel from his house Nij Kourbaha in Baksa district, which is about 60/70 kilometres away from his place of posting, i.e. Kamakhya Higher Secondary School, and therefore, he has developed some physical disorder. Accordingly, the petitioner made a representation before the Inspector of Schools, Kamrup (M) District Circle, dated NIL, which was forwarded to the Inspector of Schools, Kamrup (M) district by the Principal of Kamakhya Higher Secondary School on 01.02.2024.
- 4.** On 07.06.2024, this Court directed the learned Standing counsel, Secondary Education Department to take instructions. Today, when the matter is called up, Mr. S.M.T. Chistie, learned Standing counsel, Secondary Education Department, has produced a Communication, dated 30th July, 2024, written by the Inspector of Schools, KDC (M) and addressed to the Director of Secondary Education,

Assam, wherein it is stated that the Inspector of Schools, KDC (M) has received the application from the petitioner regarding transfer from Kamakhya Higher Secondary School, Kamrup (M) to Bordangerikuchi Brindaban Higher Secondary School, Baksa. Further, as the matter is an inter-district transfer, which is not within the jurisdiction of the Inspector of Schools, KDC (M), the petitioner was informed to re-submit his application addressed to the Director of Secondary Education, Assam through the Inspector of Schools, Kamrup (M) along with all relevant documents. The communication further indicates that the petitioner is yet to submit the application as requested by the Inspector of Schools, Kamrup (M).

- 5.** Considering the Communication dated 30th July, 2024, this writ petition is disposed of directing the petitioner to file a fresh application addressed to the Director of Secondary Education, Assam through the Inspector of Schools, Kamrup (M) by annexing all relevant documents within a period of two weeks from today. Thereafter, the Inspector of Schools, Kamrup (M) shall forthwith forward the representation made by the petitioner to the Director of Secondary Education, Assam, who, in turn, shall consider the representation and dispose of the same by a speaking order and in accordance with law within a period of 1 (one) month from the date of receipt of the said representation of the petitioner.
- 6.** With the above observations and directions, this writ petition is disposed of.
- 7.** The Communication, dated 30th July, 2024, is placed on record.

JUDGE

Comparing Assistant