

GAHC010074972024



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

Case No. : WP(C)/2048/2024

DHANJYOTI NATH
S/O- JOGESWAR NATH,
VILLAGE- GOROIMARA,
P.O- DHEKIPARA,
P.S- SIPAJHAR, DIST- DARRANG, ASSAM, PIN-784145

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION
DISPUR, GUWAHATI- 781006.

2:THE SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT

DISPUR
GUWAHATI-788006

3:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI - 781019.

4:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI - 781019.

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DARRANG

MANGALDAI

P.O AND P.S- MANGALDAI
PIN-784125

6:THE INSPECTOR OF SCHOOLS

DARRANG DISTRICT CIRCLE (DDC)
DARRANG
MANGALDAI
PIN-784125

7:THE BLOCK ELEMENTARY EDUCATION OFFICER
SIPAJHAR EDUCATION BLOCK
SIPAJHAR
PIN-784145

8:THE HEADMASTER
OF KHANDAJAN MODEL HIGH SCHOOL
P.O- KHANDAJAN

DIST- DARRANG
ASSAM
PIN-78414

Advocate for the Petitioner : MR. I H SAIKIA

Advocate for the Respondent : SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 25.04.2024

Heard Mr. I. H. Saikia, learned counsel for the petitioner. Also heard Mr. P. Bora, learned Standing Counsel for the Elementary Education Department.

Mr. P. Bora, learned Standing Counsel submits that the services of the petitioner was terminated w.e.f. 21.01.2001, in view of the directions as

passed by this Court vide order dated 06.01.2020, in writ petition no. WP(C)/488/2019, wherein this Court has directed for the adjustment of the petitioner against any non-plan vacant post for the purpose of release of his salaries w.e.f. 26.03.1999 to 21.01.2001.

On perusal of the said order dated 06.01.2020, it is seen that the directions as passed therein is limited to the purpose of release of salaries w.e.f. 26.03.1999 to 21.01.2001.

Mr. I. H. Saikia, learned counsel for the petitioner has however, disputed the above position and has contended that the prayer in the writ petition was for an adjustment against a regular sanction vacant post. However, he also admits in view of the directions as passed by this Court vide order dated 06.01.2020, the said prayer of the petitioner is to be held to have been not considered by this Court. Accordingly, he prays for liberty to withdraw the present writ petition to file an appropriate application seeking review of the order dated 06.01.2020.

Given the facts as existing in the matter, the writ petition is permitted to be withdrawn with a liberty reserved to the writ petitioner to file an appropriate application, seeking review of the said order dated 06.01.2020.

Accordingly, the writ petition stands dismissed on withdrawal with the liberty as prayed for.

JUDGE

Comparing Assistant