

GAHC010077152024



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

Case No. : WP(C)/2120/2024

MD. AMDAD HUSSAIN CHOWDHURY
SON OF LATE UMAR ALI CHOWDHURY,
RESIDENT OF VILL- DURABANDHI BILL,
P.O. AND P.S.- MORIGAON,
DISTRICT- MORIGAON, ASSAM,
PIN- 782126.

VERSUS

STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF ELEMENTARY EDUCATION, ASSAM
DISPUR, GUWAHATI- 781006.

2:THE DISTRICT COMMISSIONER
MORIGAON
DISTRICT- MORIGAON
ASSAM.

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
MORIGAON
DISTRICT- MORIGAON
ASSAM.

4:BLOCK ELEMENTARY EDUCATION OFFICER
LAHORIGHAT
DISTRICT- MORIGAON
ASSAM.

5:MD. AKTARUL HOQUE
(I/C HEAD MASTER
ALIPUKHURI M.E. SCHOOL)

SON OF IBRAHIM ALI

RESIDENT OF VILL- HATIMURIA

P.O. AND P.S.- MOIRABARI

DISTRICT- MORIGAON
ASSAM

PIN- 782126.

6:ROFIQUL ISLAM
SON OF YUSUF ALI

RESIDENT OF VILLAGE- MOIRABARI

P.O. AND P.S.- MOIRABARI

DISTRICT- MORIGAON
ASSAM

PIN- 782126.

(PRESIDENT
SCHOOL MANAGEMENT COMMITTEE
ALIPUKHURI M.E. SCHOOL)

Advocate for the Petitioner : MR H RAHMAN

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 24.04.2024

Heard Ms. R. Gogoi, learned counsel for the petitioner. Also heard Mr. G. Pegu, learned Standing Counsel, Elementary Education and Mr. P.Saikia, leaned Government Advocate.

This writ petition was filed by the petitioner praying for a direction to the respondents to allow the petitioner to join in Alipukhuri M.E. School under Laharighat Education Block, Morigaon as Head Master in-charge in terms of the

order dated 02.04.2024 issued by the Block Elementary Education Officer, Laharighat.

The respondents were permitted to obtain instructions. Today it is submitted by the learned Standing Counsel, Elementary Education that by order dated 24.04.2024 the Block Elementary Education Officer has cancelled the order earlier issued, directing the present Head Teacher in –charge Md. Akhtarul Hoque, namely, respondent No.5 to hand over the charge to the petitioner. Because of the objections raised by the School Management Committee as well as the local public, the order of the Block Elementary Education Officer to hand over and take over the charges of the Head Teacher in so far as the writ petitioner is concerned has been cancelled.

As such, in view of the order passed today i.e. 24.04.2024 by the Block Elementary Education Officer, the order dated 02.04.2024 the benefit of which the petitioner had claimed in the present writ petition having been cancelled, the writ petition has become infructuous and therefore, the same stands dismissed with liberty granted to the petitioner to approach this Court if her grievance subsists.

Needless to say, since the order that is cancelled is the order directing the respondent No.5 to hand over charges the Head Teacher to the writ petitioner, but the order of reversion of the petitioner to his original post of posting remains and the petitioner should be permitted to join in his original place of posting.

In view of the above, writ petition stands dismissed as infructuous.

JUDGE

Comparing Assistant