

GAHC010078152024



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

Case No. : WP(C)/2265/2024

JAYANTA KR. BARMAN
S/O- ANANTA KR. BARMAN, R/O- DOKHIN CHOUTARA, P.S. GOSSAIGAON,
DIST. KOKRAJHAR, BTR, ASSAM

VERSUS

THE STATE OF ASSAM AND 8 ORS.
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF ASSAM, ELEMENTARY EDUCATION DEPARTMENT, DISPUR,
GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE (ESTT.-A) DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY-19.

4:THE BODOLAND TERRITORIAL COUNCIL
REP. BY THE SECRETARY
EDUCATION DEPARTMENT
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM

5:THE DIRECTOR OF EDUCATION
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM

6:THE DISTRICT ELEMENTARY EDUCATION OFFICER
KOKRAJHAR

BTAD
ASSAM

7:THE DEPUTY INSPECTOR OF SCHOOLS
GOSSAIGAON
P.O. AND P.S. GOSSAIGAON
DIST. KOKRAJHAR
BTAD
ASSAM

8:THE BLOCK ELEMENTARY EDUCATION OFFICER
KACHUGAON EDUCATION BLOCK
P.O. AND P.S. KACHUGAON
DIST. KOKRAJHAR
BTAD
ASSAM

9:BUDESWAR ROY
(UD OF DEEO OFFICE CUM I/C SUPERINTENDENT OF DIRECTOR OF
EDUCATION
BTC
KOKRAJHAR
S/O- LATE BUDESWAR ROY
R/O- BENGKOLANI
WARD NO. 3
KOKRAJHAR TOWN
P.O.
P.S. AND DIST. KOKRAJHAR
BTR
ASSAM
PIN- 783370

Advocate for the Petitioner : MR. A A R KARIM

Advocate for the Respondent : SC, BTC

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

29.04.2024

Heard Mr. A.A.R. Karim, learned counsel for the petitioner. Also heard Mr.

P.N. Sharma, learned Standing Counsel, Elementary Education Department for the respondent no.1, Mr. A. Chaliha, learned Standing Counsel, Finance Department for the respondent no.2 and Mr. R.K. Mushahary, learned Standing Counsel, Bodoland Territorial Council (BTC).

2] This writ petition is filed by the petitioner putting to challenge the impugned transfer order dated 11.03.2024, whereby the petitioner was transferred from Dakshin Choutara M.E. School to Kahalbari M.E. School, under BEEO, Parbathjora in Kokrajhar District. This transfer order was issued by the Director of Education, Bodoland Territorial Council, Kokrajhar on the basis of an enquiry made against the petitioner which proceeded in view of certain allegations made against the writ petitioner. The impugned transfer order dated 11.03.2024 also reflects that on the findings arrived at by the concerned Enquiry Officer, the order of transfer was issued by the Director of Education, Bodoland Territorial Council, Kokrajhar. It is submitted by the learned counsel for the petitioner that all the allegations are false and concocted and the enquiry made was not as per the procedure prescribed. Learned counsel for the petitioner submits that the petitioner has ventilated all these grievances by way of filing a representation dated 08.04.2024 to the Director of Education, Bodoland Territorial Council, Kokrajhar. It is submitted that although the impugned transfer order was issued on 11.03.2024, the same was received by the petitioner only on 08.04.2024 and upon receipt of the same, on the said date he preferred a representation before the Director of Education, Bodoland Territorial Council, Kokrajhar. It is submitted that said representation has remained pending and no action thereon has been taken by the Director of Education, Bodoland Territorial Council, Kokrajhar. It is further submitted that since the petitioner has already preferred the representation, he is still working in the his

earlier place of posting which is Dakshin Choutara M.E. School and has not handed over the charge to the reliever as on date.

3] Mr. R.K. Mushahary, learned Standing Counsel, BTC submits that he has no instructions in the matter and would like to complete instructions.

4] Having heard the learned counsel for the parties and upon careful perusal of the pleadings on record, it is seen that a detailed representation has been stated to have been preferred by the writ petitioner before the Director of Education, BTC, Kokrajhar which is stated to have been submitted on 08.04.2024. A certificate by the Headmaster of Dakshin Choutara M.E. School is also issued stating that the transfer order of the writ petitioner was received by the Office of the Head master on 06.04.2024 and thereafter, the said order was handed over to the writ petitioner only on 08.04.2024.

5] If that be so then this Court is of the view that the writ petition can be disposed of at this stage with a direction to the Director of Education, BTC, Kokrajhar to consider the representation stated to have been filed by the writ petitioner on 08.04.2024 and thereafter, pass effective order disposing of the said representation. If any order, in the meantime, has already been passed by the Director of Education, Bodoland Territorial Council, Kokrajhar on the representation dated 08.04.2024, a copy thereof be served to the writ petitioner. This exercise be completed by the Director of Education, Bodoland Territorial Council, Kokrajhar within a period of 10 (ten) days from today. Till the directions as above are carried out, the impugned transfer order dated 11.03.2024 shall remain stayed.

6] Learned Standing Counsel, BTC, is given liberty to place certified copy of this order to the Director of Education, Bodoland Territorial Council, Kokrajhar.

7] With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant