

GAHC010219442023



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

Case No. : WP(C)/2210/2023

MD. MIZAZUL ISLAM LASKAR
S/O AKBAR ALI LASKAR
I/C HEADMASTER
JANATA ME SCHOOL
SONAI UNDER SONAI EDUCATIONAL BLOCK
R/O 86 KH
VILL-KACHUDARAM PART-IV
P.O.-KACHUDARAM
DIST-CACHAR
ASSAM
PIN-788119

VERSUS

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

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

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
CACHAR
SILCHAR

4:THE DEPUTY INSPECTOR OF SCHOOLS

SILCHAR
CACHAR
ASSAM
5:THE BLOCK ELEMENTARY EDUCATION OFFICER
SONAI EDUCATION BLOCK
DIST-CACHAR
ASSAM
6:THE DISTRICT DEVELOPMENT COMMISSIONER
I/C EDUCATION
CACHAR
SILCHAR
ASSAM
PIN-788001.
7:SMTI LIPIKA SINHA

IN-CHARGE BLOCK ELEMENTARY EDUCATION OFFICER
SONAI EDUCATIONAL BLOCK
DIST. CACHAR
ASSAM
PIN-788119.

Advocate for petitioner : MR. B. Purkayastha
Advocate for respondents: Mr. B.Talukdar, SC
ELEM. EDU appearing for STATE OF ASSAM AND 5 ORS.

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 23-01-2024

Heard Mr. B. Purkayastha, learned counsel for the petitioner. Also heard Mr. B. Talukdar, learned standing counsel for the Elementary Education Department representing the respondents no. 1 to 6.

The present proceeding has been instituted by the petitioner challenging the order dated 27.03.2023, by which, Smti Lipika Sinha, In-charge BEEO, Sonai was allowed to function as the Member Secretary, Janata ME School.

The petitioner, vide order dated 17.08.2022 was allowed to act as the In-charge Headmaster-cum-Member Secretary of Janata ME SMC. This Hon'ble Court, vide order dated 28.04.2023, while issuing notice in the matter, having appreciated the fact that the order dated 17.08.2022 having not been recalled or superseded vide the impugned order dated 27.03.2023, directed that the order dated 17.08.2022, shall remain in force.

During the pendency of the proceedings in the present writ petition, the In-Charge DEEO, Cachar had in partial modification of the order dated 27.03.2023, allowed Smti Nandini Mukherjee, BEEO, Sonai to act as the Member Secretary of Janata ME School in place of said Smti Lipika Sinha. The petitioner, by instituting WP(C)No. 5873/2023, presented a challenge to the said order.

During the pendency of the proceeding in the said WP(C)5873/2023, the respondent authorities vide an order dated 22.01.2023 has recalled the order dated 14.09.2023 and the petitioner was allowed to continue to act as the In-charge Headmaster-cum-Member Secretary of the Janata ME School.

The said writ petition was disposed of today with a direction to allow the petitioner to continue to act as the In-charge Headmaster-cum-Member Secretary of the Janata ME School.

In view of the fact that the impugned order dated 27.03.2023 has already been modified, no further adjudication is called for in the present proceeding and the directions as passed by this Court in WP(C)No. 5873/2023 shall cover the issues arising in the present proceeding also.

With the above observations and directions, the writ petition stands

disposed of.

JUDGE

Comparing Assistant