

GAHC010083992022



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

Case No. : Cont.Cas(C)/245/2022

SHAHJAHAN ALI
FINDI TEACHER, BAPURBHITA GIRLS M.E. MADRASSA (SCHOOL CODE
18030219205) LAKHIPUR EDUCATION BLOCK, GOALPARA, S/O MONER
ALI, R/O BAPURBHITA PART-III, P.O.-DHAMAR RESERVE, DIST-GOALPARA,
ASSAM, PIN-783129

VERSUS

SURANJANA SENAPATI
DIRECTOR OF ELEMENTARY EDUCATION, ASSAM, KAHILIPARA,
GUWAHATI-19

Advocate for the Petitioner : MR J ISLAM

Advocate for the Respondent : MR S M T CHISTIE

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 22.04.2024

Heard Mr. J. Islam, learned counsel for the petitioner. Also heard Mr. S. M. T. Chistie, learned counsel for the respondent.

The present contempt petition has been instituted alleging violation of the directions as passed by this Court vide order dated 18.01.2022 in WP(C)/273/2022, more particularly, Paragraph-6 thereof. The direction as passed in Paragraph-6 being relevant is extracted herein below:-

“In view of the above, we dispose of the writ petition directing the Director of Elementary Education, Assam to consider the claim of the petitioner for provincialisation as a language teacher of Bapurbhita Girls’ ME Madrassa and pass a reasoned order thereon. In doing so, the Director shall examine form the records as to when the petitioner was appointed and for what subject and if the records reveal that the petitioner is a language teacher of the school concerned from the year 1993, if otherwise eligible, the Director to pass a reasoned order thereon.”

The counsel for the respondent has produced before this Court, order dated 26.08.2022, issued by the Director, Elementary Education Officer, rejecting the case of the petitioner for the ground stated therein. The same was thereafter followed by a communication dated 13.10.2023, by which it was informed as to why the case of the petitioner was required to be so rejected.

Subsequently, on 12.03.2024, a further order was passed by the

Director, Elementary Education Officer, Assam and therein, it was contended that the case of the petitioner was not in a position to be taken up for provincialisation of his services inasmuch as the enrolments status of the students in the school does not permit such a move. The order dated 12.03.2024; cancels the earlier order dated 26.08.2022.

In view of the above and a perusal of the contents of the order dated 12.03.2024, this Court is of the view that there is no deliberate and willful violation of the directions of this Court as passed by the above noted order and the respondent authorities having considered the matter and passed the said order dated 12.03.2024; this contempt petition would not be liable for any further consideration. Accordingly, the contempt petition stands closed.

However, considering the issue involved, liberty is reserved to the petitioner to present a challenge to the order dated 12.03.2024, by filing an appropriate application, if so advised.

JUDGE

Comparing Assistant