

GAHC010094882024



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

Case No. : I.A.(Civil)/1482/2024

MUBARAQUE HUSSAIN,
S/O- SULTAN MAMUD, RESIDENT OF VILLAGE- JARATHANI, P.O. AND P.S.
RUPAHI, DIST.- NAGAON, ASSAM, PIN- 782125.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, ELEMENTARY EDUCATION DEPARTMENT, DISPUR,
GUWAHATI-6, DISTRICT- KAMRUP (METRO), ASSAM

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

3:THE DEPUTY DIRECTOR AND INQUIRY OFFICER
ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019

4:THE DEPUTY COMMISSIONER
NAGAON
P.O. AND DISTRICT- NAGAON
ASSAM, PIN- 782001

5:THE ADDL. DEPUTY COMMISSIONER (EDUCATION)
NAGAON
P.O. AND DISTRICT- NAGAON
ASSAM, PIN- 782001

6:THE BLOCK ELEMENTARY EDUCATION OFFICER
RUPAHI
DISTRICT- NAGAON

ASSAM, PIN- 782125

7:THE SUB-INSPECTOR OF SCHOOLS
RUPAHI
NAGAON
ASSAM, PIN- 782125

8:THE PRESIDENT OF SCHOOL MANAGEMENT COMMITTEE
PUTHIKHAITY M.E. SCHOOL
P.O. KAOIMARI
DIST.- NAGAON
ASSAM, PIN- 78214

For the Applicant(s) : Mr. S. Hussain, Advocate.
Mr. H. Rahman, Advocate.

For the Respondent(s) : Mr. N. Das, Govt. Advocate.
Mr. R. Mazumdar, SC, Elementary Education.

- Before -

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE KARDAK ETE

17.07.2024.

(Vijay Bishnoi, CJ)

This I.A. (Civil) No.1482/2024 is preferred on behalf of the applicant with the prayer to set aside and quashing the order dated 07.05.2024, passed by the Block Elementary Education Officer, Rupahi in Nagaon District, Assam, whereby the applicant is instructed to hand-over all relevant documents of Puthikhaity M.E. School to the in-charge Headmaster within three (3) days.

The applicant has filed the WP(C) No.6853/2023, challenging his suspension from the post of Assistant Teacher, who was also holding the charge of in-

charge Headmaster in the concerned school.

During the pendency of the Writ Petition, the disciplinary proceeding initiated against the applicant has been concluded and a punishment of stoppage of one increment with cumulative effect has also been imposed upon the applicant.

Taking into consideration the above fact, the learned Single Judge has disposed of the WP(C) No.6853/2023, while observing that since the penalty has been imposed upon the applicant and he has been reinstated as Assistant Teacher, he may be allowed to join in the concerned school. With the said observation, the Writ Petition was closed.

Against the order passed by the learned Single Judge dated 04.03.2024 in WP(C) No.6853/2023, the applicant has preferred the Writ Appeal No.119/2024, which is pending consideration and in the said Writ Appeal, this Interlocutory Application is moved.

Taking into consideration the fact that the petitioner has already been removed as in-charge Headmaster of the concerned school, we do not find any error in the letter dated 07.05.2024, issued by the office of the Block Elementary Education Officer, Rupahi in Nagaon District, Assam to instruct the petitioner to hand-over the charge to the present in-charge Headmaster.

Hence no interference is called for.

This Interlocutory Application is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant