

GAHC010096262024



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

Case No. : WP(C)/2551/2024

ANUWAR ULLAH KABIR
S/O- HASHMAT ULLAH,
RESIDENT OF VILL- KADAMONI TOWN,
P.O. AND P.S.- JURIA,
DIST.- NAGAON (ASSAM),
PIN- 782124.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION, ASSAM,
DISPUR, GUWAHATI-6, KAMRUP(M), ASSAM.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

KAMRUP(M)
ASSAM.

3:THE INSPECTOR OF SCHOOLS
NAGAON DISTRICT
NAGAON
ASSAM- 782001.

4:THE PRINCIPAL
JOY NARAYAN H.S. SCHOOL
GARAJAN
P.O.- GARAJAN

DIST.- NAGAON
ASSAM- 782124.

5:ABDUL JALIL MORAL
HINDI TEACHER OF JOY NARAYAN H.S. SCHOOL

VILL- SINGARI FAKOLI

P.O.- SINGARI

DIST.- NAGAON
ASSAM- 782124

Advocate for the Petitioner : MR. A JAHID

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

17.05.2024

Heard Shri N. Sharma, learned counsel for the petitioner. Also heard Shri U. Sharma, learned Standing Counsel, Secondary Education Department.

In view of the order proposed to be passed, notice upon the other respondents are not deemed necessary.

The facts projected are that the petitioner was appointed as an Assistant Graduate Teacher in the Joy Narayan Higher Secondary School in the district of Nagaon on 08.07.1999 and has been working continuously since then.

The petitioner also claims to be the Senior Most Graduate Teacher of the School.

The respondent no. 5 was appointed in another School namely, Afazuddin High Madrassa, Juria as Hindi teacher on 09.09.1994 and was subsequently transferred to the School of the petitioner on 07.07.2009 at his own request.

The grievance of the petitioner is that though he has been signing the staff attendance register against his name at serial no. 1, the same has been changed to serial no. 2 and the respondent no.5 has been allowed to sign as serial no. 1.

The petitioner has accordingly approached this Court as his representation dated 14.08.2023 by the Inspector of Schools have not been looked into.

Shri Sarma, the learned counsel for the petitioner has submitted that by the aforesaid action, the petitioner has been suffering humiliation.

This Court has however noticed that the declared age of the petitioner is 58 years as would appear from the affidavit accompanying the writ petition. On a specific query, the learned counsel for the petitioner has informed that no seniority list as such has been prepared and there is no move in the offing to make any promotions.

The jurisdiction exercise by a High Court under Article 226 of the Constitution of India is for issuing prerogative writs and only in extra ordinary matters.

The so called grievance raised in this petition would not be a fit case for invoking such jurisdiction, more so, when the impugned action does not have any legal consequences.

Writ petition is accordingly dismissed. The petitioner is however given liberty that in case any actual cause of action arises, he may espouse the same in accordance with law.

JUDGE

Comparing Assistant