

GAHC010108732024



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

Case No. : WP(C)/2842/2024

BAHARUL ISLAM
S/O- NUR UDDIN,
VILL. AND P.O.- SAIDPUR PART-V,
P.S. SILCHAR, DIST.- CACHAR,
ASSAM, PIN- 788013.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION,
ASSAM, GUWAHATI-6.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

3:THE DISTRICT COMMISSIONER
KARIMGANJ
DIST. KARIMGANJ
PIN- 788710.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
KARIMGANJ
DIST.- KARIMGANJ
PIN- 788710.

5:BISWAJIT DEY
S/O- LATE BHUPATI DEY

RESIDENT OF MAHENDRA NIBASH

NATUN PATTY
SILCHAR

DIST.- CACHAR
ASSAM
PIN- 788001

Advocate for the Petitioner : MR. S B LASKAR

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 27.06.2024

Heard Mr. S. B. Laskar, learned counsel for the petitioner. Also heard Mr. P. K. Bora, learned standing counsel, Elementary Education Department for the respondent Nos. 1, 2 and 4 and Mr. B. Deuri, learned Govt. Advocate for the respondent No.3.

2. By a Notification dated 21.02.2024, issued by the Secretary to the Govt. of Assam, Department of School Education, the petitioner was reposted as Block Elementary Education Officer at East Golaghat Education Block of District Golaghat. Thereafter, by another Notification dated 28.02.2024, issued by the Secretary to the Govt. of Assam, Department of School Education, the petitioner was transferred and posted as BEEO Patherkandi Education Block, District Karimganj. Accordingly, by an Order dated 12.03.2024, issued by the Sub-Divisional Officer, (S) Golaghat and District Elementary Education Officer (In-Charge) Golaghat, the petitioner was released from his duty on 12.03.2024 to

enable him to join in his new place of posting as Block Elementary Education Officer, Patherkandi Education Block, District Karimganj.

3. In the meantime, another Notification dated 13.03.2024 was issued by the Secretary to the Govt. of Assam, Department of School Education whereby the earlier Notification dated 28.02.2024, was modified and the petitioner was reposted as Block Elementary Education Officer at Barpeta Education Block, District Barpeta. Again by another Notification dated 05.04.2024, issued by the Secretary to the Govt. of Assam, Department of School Education, the earlier Notification dated 13.03.2024 was again re-modified and the petitioner was reposted as Block Elementary Education Officer at Patherkandi Education Block of District Karimganj. The grievance of the petitioner in this writ petition is that after the Notification dated 05.04.2024 was issued he proceeded to join in his place of posting as Block Elementary Education Officer at Patherkandi Education Block of district Karimganj, however, the incumbent Block Elementary Education Officer refused to hand over charge to the petitioner.

4. The petitioner therefore, made a representation before the District Commissioner, Karimganj on 10.04.2024. The petitioner also made two representations before the Secretary to the Govt. of Assam, Department of School Education on 12.04.2024 and 13.05.2024. However, despite making the representations, the petitioner is not being made to join his new place of posting i.e., Block Elementary Education Officer, Patherkandi Education Block of District Karimganj and therefore, the petitioner has not been receiving his salary for the past 3(three) months.

5. This Court on 03.06.2024 and 19.06.2024 had directed the learned standing counsel, Elementary Education Department to take instructions in the matter. Today when the matter was called up, the learned standing counsel, Elementary Education Department submits that no instructions have been received till date.

6. Be that as it may, as the petitioner has made a representation before the Secretary to the Govt. of Assam, Department of School Education on 12.04.2024 and 13.05.2024, this writ petition is disposed of directing the Secretary to the Govt. of Assam, Department of School Education/ respondent No.1 to consider and dispose of the representation made by the petitioner on 12.04.2024 and 13.05.2024 as expeditiously as possible but not later than 2(two) weeks from the date of receipt of a copy of the order of this Court.

7. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant