

GAHC010110912024



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

Case No. : WP(C)/2968/2024

MAHUA DAS
ASSISTANT HEAD MISTRESS,
NETAJI BIDYAMANDIR HIGH SCHOOL, DHEKIAJULI,
W/O- SRI ASHIM DAS,
R/O- WARD NO. 10, DHEKIAJULI,
P.O.- DHEKIAJULI,
DIST.- SONITPUR, ASSAM,
PIN- 784110.

VERSUS

THE STATE OF ASSAM AND 2 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
SECONDARY EDUCATION DEPARTMENT,
JANATA BHAWAN (ASSAM SECRETARIAT COMPLEX),
DISPUR, GUWAHATI- 781006.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019.

3:THE INSPECTOR OF SCHOOLS
SONITPUR DISTRICT CIRCLE
DISTRICT- SONITPUR
ASSAM

Advocate for the Petitioner : MR A R BHUYAN
Advocate for the Respondent : SC, SEC. EDU.

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

ORDER

Date : 10.06.2024

Mr. A. R. Bhuiyan, learned counsel for the petitioner, after arguing the matter at some length, and also having notice the proviso to Rule 14(2)(b) which mandates that the cadre of Graduate Teacher shall also include the cadre of Assistant Headmaster for the purpose of selection to the post of Headmaster and the seniority of an incumbent in the cadre of Assistant Headmaster shall be counted from the date of joining as Graduate Teacher with graduate scale of pay; submits that in view of the said provisions existing, the grievance as raised by the petitioner in the present proceeding, cannot be considered by this Court.

Accordingly, Mr. Bhuiyan, learned counsel, prays that he may be permitted to withdraw the present proceeding with liberty to the petitioner to present a challenge to the proviso to Rule 14(2)(b) of the Assam Secondary Education (Provincialized Schools) Service Rules, 2018.

Prayer is accepted.

The writ petition accordingly stands dismissed on withdrawal.

However, liberty is reserved to the petitioner, if so advised, to present an appropriate application presenting a challenge the proviso to Rule 14(2)(b) of the Assam Secondary Education (Provincialized Schools) Service Rules, 2018.

JUDGE

Comparing Assistant