

GAHC010122132015



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

Case No. : WP(C)/6275/2015

MD. FAZAR ALI
S/O LT. MAHAMMAD ALI, R/O PAM KALIADINGA, P.O. and P.S. JURIA, DIST-
NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM and 5 ORS
REP. BY THE SECY. TO THE GOVT. OF ASSAM, EDUCATION DEPTT.,
DISPUR, GHY-6

Advocate for the Petitioner : MRJ C BORAH,

Advocate for the Respondent : MR. M KHANR-5and6, SC, ELEMENTARY EDUCATION,MRJ
RAHMAN(R-5&6)

Linked Case : WP(C)/3721/2015

MD. FAZAR ALI
S/O- LT. MAHAMMAD ALI
R/O VILL.- PAM KALIADINGA
P.O. and P.S.- JURIA
DIST.- NAGAON
ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE SECY. TO THE GOVT. OF ASSAM
EDUCATION DEPTT.
DISPUR
GHY- 6.

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

3:THE DIST. ELEMENTARY EDUCATION OFFICER
NAGAON
ASSAM.

4:THE DY. COMMISSIONER
NAGAON
ASSAM.

5:THE HEADMASTER-CUM-SECY. TO THE MANAGING COMMITTEE
PAM KALIADINGA GIRLSS ME MADRASSA
VILL.- PAM KALIADINGA
P.S.- JURIA
DIST.- NAGAON
ASSAM
PIN- 782134.

6:THE PRESIDENT
MANAGING COMMITTEE TO THE PAM KALIADINGA GIRLS' M.E.
MADRASSA
VILL.- PAM KALIADINGA
P.S.- JURIA
DIST.- NAGAON
ASSAM
PIN- 782134.

7:MOHI UDDIN
S/O- DIL MAMUD
R/O VILL.- PAM KALIADINGA
P.O.- KALIADINGA
P.S.- JURIA
DIST.- NAGAON
ASSAM.

Advocate for : MR J C BORAH
Advocate for : MR. M KHAN(R-7) appearing for THE STATE OF ASSAM AND 6
ORS

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

Date of Hearing: 04.01.2024

Date of Judgment: 06.09.2024

JUDGMENT & ORDER (CAV)

Heard Mr. J. C. Bora, learned counsel appearing for the petitioner in both the abovenoted writ petitions. Also heard Mr. P. K. Bora, learned Standing Counsel for the Elementary Education, Assam representing the State respondents, Mr. M. Khan, learned counsel for the respondents no. 5 & 6 in both the writ petitions and Mr. K. R. Patgiri, learned counsel appearing on behalf of the respondent no. 7 in WP(C)/3721/2015.

2. The petitioner, by way of instituting WP(C)/3721/2015, has presented a challenge to the consideration being made in respect of respondent no. 7 for provincialisation of his services as a Grade-IV employee in Pam Kaliadinga Girls' M.E. School and also for an appropriate direction for provincialisation of his services as a Grade-IV employee in the school. The petitioner has by of instituting WP(C)/6275/2015, presented a challenge to an order dated 27.07.2013, issued by the school authorities terminating his services.

3. For the sake of convenience, the facts as available in WP(C)/3721/2015 is being considered and the parties are so denoted as per their placement in the said writ petition.

4. The petitioner, herein, has contended that Pam Kaliadinga Girls' M.E. Madrassa (hereinafter referred to as "the school") was established in the year 1991 and the same was so allowed to run over a plot of land, owned by the family of the petitioner. On account of the donation of the land in question, to the

said school by the family of the petitioner, the petitioner was appointed as a Grade-IV employee (Chowkidar) by the Managing Committee of the said school, vide an order dated 25.06.1992. It is contended by the petitioner that in the Inspection Report, as available till 2011, the name of the petitioner figured therein, as an employee of the school, working against the Grade-IV post. It is further contended that the petitioner had received financial assistance, as sanctioned to the said school in question, for the year 2010-2011. However, thereafter, he was not extended with such financial incentives.

5. A dispute having arisen in connection with the land as donated by the petitioner and his family to the said school in question, and the land so mutated in the name of the school, the petitioner along with his family members instituted proceedings for cancellation of the said mutation. The Addl. Deputy Commissioner, Nagaon, on consideration of the matter, proceeded vide order dated 24.02.2014 to set aside the said mutation with further direction to the jurisdictional Circle Officer to start a fresh process of mutation in respect of the land possessed by the school in question.

6. Being aggrieved by the said direction, the school authorities approached the Assam Revenue Board, assailing the said order dated 24.02.2014, issued by the Addl. Deputy Commissioner, Nagaon. The Assam Revenue Board, on consideration of the matter, interfered with the order dated 24.02.2014, issued by the Addl. Deputy Commissioner, Nagaon, vide order dated 21.08.2014 and restored the mutation so made in respect of the disputed land with the above noted school.

7. Being aggrieved, the petitioner had instituted WP(C)/4518/2014, assailing the order dated 21.08.2014, passed by the Assam Revenue Board, Guwahati.

8. The petitioner had also instituted writ petition being WP(C) No. 1829/2014 along with 02 of his brothers, praying for a direction to the respondent

authorities, not to provincialize the said school.

9. The school authorities had also approached this Court at that relevant point of time by way of instituting WP(C)/3108/2014, praying for being authorized the financial assistance due to the serving employees of the said school.

10. This Court, proceeded to analogously consider the said writ petitions being WP(C)/4518/2014, WP(C)/1829/2014 and WP(C)/3108/2014 and thereafter, vide order dated 26.02.2015, rejected the challenge as presented by the petitioner, to the order dated 21.08.2014, as passed by the Assam Revenue Board, Guwahati. The writ petitions as filed by the petitioner, herein, praying for a direction to the respondent authorities not to provincialize the school in question, also, came to be dismissed.

11. The writ petition, as filed by the school authorities was considered and noticing the submission made by the respondent authorities that because of pendency of Court cases, the said school was not considered for being extended with financial assistance and that the Court, having decided the issues in the pending proceedings, the respondent authorities would now consider the case of the said school for release of financial incentives, this Court vide order dated 26.02.2015, proceeded to dispose of the said writ petition with a direction to the respondent authorities, to consider release of financial incentives to the said school, for the year 2013-2014.

12. After passing of the said order dated 26.02.2015; and raising a grievance that the school authorities had not forwarded his name for consideration of his case for provincialisation under the provisions of the **Assam Education (Provincialisation of Services of Teachers and Re-organisation of Educational Institutions) Act, 2017** (hereinafter referred to as "the Act of 2017") and also raising a grievance with regard to submission of the particulars of the respondent no. 7, herein, for consideration of his case for provincialisation as

a Grade-IV employee, by the school authorities before the District Scrutiny Committee, Nagaon, and also contending that he was continuing to discharge his duties as a Chowkidar in the said school, till the date of the institution of the present proceedings, the present petitioner, approached this Court by way of instituting WP(C)/3721/2015, praying therein, for interference with the recommendation as made in favour of the respondent no. 7 for provincialisation of his services as a Grade-IV employee in the said school, with a further prayer for a direction upon the respondent authorities to consider the case of the petitioner for provincializing his services against the Grade-IV post, as available in the said school.

13. The school authorities i.e., the respondents no. 5 & 6 had filed their affidavit in the matter and therein, had brought on record a decision of the School Managing Committee, dated 27.07.2013; towards terminating the services of the petitioner, on account of his long absence from the school w.e.f., 06.04.2013.

14. The petitioner, by way of instituting WP(C)/6275/2015 has presented a challenge to the said order of termination as issued in his case, by the School Managing Committee of the said school.

15. Mr. J. C. Bora, learned counsel for the petitioner, has submitted that the petitioner has been in continuous service of the school in question, since the date of his initial appointment i.e., w.e.f. 25.06.1992. Mr. Bora, has submitted that the school authorities, on account of the fact that he and his brothers had questioned the mutation as made in respect of their land, in the name of the said school and the same having been so interfered with, by the Addl. Deputy Commissioner, Nagaon, and a fresh mutation process being directed to be so carried out, had dropped the name of the petitioner, herein, while furnishing the particulars of the eligible serving employees in the said school for consideration of their cases for

provincialisation under the said Act of 2017. Mr. Bora, has submitted that in place of the name of the petitioner, the name of the respondent no. 7, who was shown to have been so appointed on 20.02.2006; was forwarded by the school authorities for consideration of his case for provincialisation against the post of Grade-IV, that would now become available in the said school on the provisions of the said Act of 2017 being extended to it.

16. Mr. J. C. Bora, learned counsel for the petitioner, has further submitted that the order of his termination dated 27.07.2013, was never served upon him and it is only after the filing of the affidavit by the respondents no. 5 & 6 in WP(C)/3721/2015, that the said aspect of the matter had come to his notice and accordingly, without any delay, the said order was put to challenge by the petitioner before this Court, by way of instituting WP(C)/6275/2015.

17. Mr. J. C. Bora, learned counsel for the petitioner, has disputed the contentions of the respondent no. 5 & 6 that show-cause notices, as well as the termination order were issued to the petitioner and the same were received by the family members of the petitioner and/or were refused to be so received. Mr. Bora, has further submitted that in the earlier round of litigation between the petitioner and the school authorities before this Court, as well as before the Assam Revenue Board, categorical statements were made to the effect that the petitioner was continuing in his duties in the said school, during the time the said proceedings were so pending.

18. Mr. Bora, learned counsel, submits that the earlier proceedings, assailing the order of the Assam Revenue Board, were instituted by the petitioner before this Court, in the year 2014 and a perusal of the order dated 26.02.2015; as passed by this Court in the matter, would go to show that a categorical finding has been recorded therein, of the petitioner working in the said school as Chowkidar, since 1992. Accordingly, the contentions now being raised by the

respondents no. 5, 6 & 7 that the petitioner had voluntarily left the services of the school w.e.f., 06.04.2013; and accordingly, on his not rejoining his services, came to be terminated w.e.f., 27.07.2013 are all afterthoughts and have been so made for the purpose of justifying the illegality committed in proposing the name of the respondent no. 7, herein, for provincialisation of his services against the Grade-IV post as available in the said school.

19. Mr. J. C. Bora, learned counsel for the petitioner has further submitted that the order dated 27.07.2013, issued towards terminating his services is not maintainable, on account of the fact that the same was so made in clear violation of the provisions of **The Assam Non-Governmental Educational Institution (Regulation & Management) Act, 2006** (hereinafter referred to as "the Act of 2006"). In support of his said submission, Mr. Bora, learned counsel for the petitioner has relied upon a decision of this Court, in the case of **Mustt Amina Khatoon Vs. The State of Assam and Ors.**, in **WP(C)/4800/2011**.

20. Mr. Bora, learned counsel for the petitioner has further, by relying upon a decision of the Supreme Court in the case of **Suzuki Parasrampuriah Suits Private Limited Vs. Official Liquidator of Mahendra Petrochemicals Limited (In Liquidation) and Ors.**, reported in **(2018) 10 SCC 707**, has contended that a litigant can take different stands at different times but cannot take contradictory stands in the same case. A party cannot be permitted to approbate and reprobate on the same facts and take inconsistent shifting stands. Mr. Bora, learned counsel, by placing reliance on the said decision has submitted that the respondents no. 5 & 6, in the proceedings connected to the mutation of the land possessed by the school, having taken a categorical stand that the petitioner was serving in the said school and such stand being continued to be taken when proceedings assailing the order passed by the Assam Revenue Board in the matter, was assailed before this Court, now cannot be permitted to resile

from the said stand.

21. Mr. Bora, learned counsel for the petitioner has further submitted that a perusal of the order dated 26.02.2015, passed by this Court in WP(C)/4518/2014, WP(C)/1829/2014 and WP (C)/3108/2014, would go to show that the respondent no. 5 & 6 had not brought on record the fact that the services of the petitioner was so terminated w.e.f., 27.07.2013, on account of his purported voluntary absence from the school w.e.f., 06.04.2013. Mr. Bora, basing on the said submissions has contended that the contentions as raised by the respondents no. 5 & 6 in the present proceeding, would not merit a consideration by this Court and the same have to be so rejected.

22. As regards the issue of show-cause notices and the termination order being not served upon the petitioner and accordingly, the same being non-est, Mr. Bora, learned counsel for the petitioner has relied upon a decision of the Supreme Court in the case of **Union of India and Ors., Vs Dinanath Shantaram Karekar and Ors.**, reported in **(1998) 7 SCC 569**. Mr. Bora, has contended that the said show-cause notices and the order of termination, having not been served upon the petitioner, the same would be of no effect.

23. In the above premises, Mr. Bora has submitted that this Court, would be pleased to direct the respondent authorities to provincialise the services of the petitioner, as a Grade-IV employee, in the school in question w.e.f. the date, the other employees found eligible were so provincialised with all consequential benefits.

24. Per contra, Mr. M. Khan, learned counsel appearing for the respondents no. 5 & 6 by relying upon the affidavit so filed in WP(C)/3721/2015, has submitted that the petitioner having left the said school voluntarily and he having proceeded to Kerala in search of employment, the School Managing Committee had issued show-cause notices to the petitioner, on 30.05.2013 and 20.06.2013; in terms of

the resolution adopted by the School Managing Committee in the matter. It was contended that in the said show-cause notices, the petitioner was directed to submit his reply as to why his appointment shall not be treated as cancelled for his unauthorized absence, since 06.04.2013. It is further contended by Mr. Khan, learned counsel for the respondents no. 5 & 6, that the said show-cause notices were served upon the family members of the petitioner through the office peon, but they had refused to give an acknowledgment in the matter as per direction of the petitioner. Thereafter, finding no response from the petitioner to the show-cause notices issued to him, the School Managing Committee proceeded to adopt a resolution in its meeting held on 27.07.2013 to terminate the services of the petitioner. The said decision of the School Managing Committee was intimated to the petitioner, vide a communication dated 27.07.2013. The said communication was sent by registered post, however, the same had returned with the endorsement of the postal authorities of the same being not accepted.

25. Mr. M. Khan, learned counsel for the respondents no. 5 & 6, has further proceeded to submit that the petitioner being very irregular in his service, had required the School Managing Committee to appoint the private respondent no. 7, as an additional Grade-IV employee on lump-sum payment, on 25.02.2006. However, the name of the respondent no. 7 was not reflected in the Inspection Report till 2011, on account of the fact that the School Managing Committee, by reckoning the fact that only 01(one) Grade-IV post was available in the school and the family of the petitioner being the land donors, had desired not to cause any prejudice to the service interest of the petitioner. It is contended that in the Inspection Report submitted by the Block Development Officer, Juria, dated 18.11.2013; the name of the petitioner does not figure.

26. Mr. Khan, learned counsel, by referring to the affidavit filed by the petitioner before the Assam Revenue Board, Guwahati, has contended that in the said

affidavit, the petitioner had disputed the appointment order issued to him appointing him as a Grade-IV employee in the school. Mr. Khan, has further submitted that the petitioner had instituted proceedings before this Court, praying for a direction upon the respondent authorities, not to provincialise the services of the eligible teachers in the said school. Mr. Khan, has submitted that the petitioner being unsuccessful in the earlier proceedings as instituted by him before this Court, has now approached this Court with the present claim of, he being in service in the said school since the date of his initial appointment and accordingly, entitled to have his services provincialised in the said school. Mr. Khan, has accordingly, submitted that the claim of the petitioner that he was not issued with any show-cause notices and the copy of the termination order not being forwarded to him, is clearly perverse to the records of the matter.

27. Mr. K. R. Patgiri, learned counsel appearing for the respondent no. 7, has adopted the arguments made by the learned counsel for the respondents no. 5 & 6. It was further submitted that the petitioner not being in service in the said school w.e.f., the date of his termination, the name of the petitioner was not forwarded to the departmental authorities for provincialisation of his services.

28. The learned counsel for the respondent no. 7, by relying upon the appointment order brought on record of the said respondent, has contended that the respondent no. 7 was so appointed in pursuance to a resolution adopted by the Managing Committee of the said school, in its meeting held on 20.02.2006 and thereafter, on his joining in the said school, the respondent no. 7 was in continuous service in the school.

29. In support of his claim, Mr. Patgiri, learned counsel for the respondent no. 7, by relying upon an Inspection Report, dated 18.11.2013, wherein, the name of the respondent no. 7 finds place, has contended that the respondent no. 7 was in continuous service in the said school against the Grade-IV post.

30. I have considered the submissions made by the learned counsel for the parties and also perused the materials available on record.

31. The grievance in the present proceedings pertains to the termination of the services of the petitioner, which forms the subject matter of challenge in WP(C)/6275/2015; and also, the challenge as made in respect of the recommendation of the school authorities in respect of provincialisation of the services of the respondent no. 7, as a Grade-IV employee in the said school, which forms the subject matter of challenge in WP(C)/3721/2015.

32. This Court, at the outset, would consider the issue pertaining to termination of services of the petitioner, herein.

33. The petitioner has, by relying upon the materials available in the earlier proceedings initiated before this Court, pertaining to the issue of mutation of the land in question in favour of the school, has submitted that therein, the school authorities had not brought on record the fact that the services of the petitioner was terminated on 27.07.2013. However, taking a contrary stand in the present proceedings, the respondents no. 5 & 6 have contended that the services of the petitioner was terminated on 27.07.2013.

34. The learned counsel for the petitioner has further contended that neither the show-cause notices nor, the order of termination was so served upon him and had in this connection, relied upon a decision of the Hon'ble Supreme Court in the case of **Dinanath Santaram Karekar (supra)**.

35. The Hon'ble Supreme Court in the above mentioned decision has laid down that where the services are terminated, the status of the delinquent as a government servant comes to an end and nothing further remains to be done in the matter. But, if the order is passed and merely kept in the file, it would not be treated to be an order terminating services nor shall the said order be deemed to

have been communicated. The Hon'ble Supreme Court, in the said decision had also emphasized on the point of "actual service" of such order of termination on the delinquent concerned.

36. A perusal of the statements made in the affidavit so filed by the respondents no. 5 & 6, would reveal that on the petitioner remaining absent unauthorizedly from the school w.e.f., 06.04.2013, in pursuance to the resolutions adopted by the School Managing Committee, show-cause notices were issued to him by the Headmaster of the school on 30.05.2013 and 20.06.2013. However, the petitioner had not responded to the said notices. The respondents no. 5 & 6, have further contended that the said notices were served upon the family of the petitioner at his house, on account of the fact that the petitioner, at the relevant point of time, was contended to be in Kerala. Thereafter, it is the specific contention of the respondents no. 5 & 6 that the order of termination of the petitioner was sent to his home address by way of registered post with A/D card, however, the same was not received by the petitioner or, his family members and the same came to be returned to the school.

37. The petitioner had filed a reply in the matter against the said affidavit filed by the respondents no. 5 & 6, the contentions as made in the matter with regard to service of show-cause notices on the family of the petitioner however, were not denied by him. Further, with regard to the order of termination, the petitioner had contended that the same cannot be construed to have been issued to the petitioner, inasmuch as, names of two different villages were given in the address of the petitioner in the envelope, through which, the said order was sent to the petitioner. It is the contention of the petitioner that he is a resident of Pam Kaliadinga, however, in the address of the petitioner as recorded in the envelope, it is reflected that names of two villages came to be so recorded. By referring to the envelope, Mr. Bora, learned counsel for the petitioner, has highlighted that in

addition to reflecting the name of the village as Pam Kaliadinga, the school authorities, in the said envelope had also recorded the name of the another village i.e. "Garajan Bazar" and accordingly, it is contended that the order dated 27.07.2013 although stated to have been sent to the petitioner, the same would be of no significance, as the same was sent to a wrong address. The said contention of the petitioner cannot be accepted, inasmuch as, a perusal of the address as given in the envelope, by which the order dated 27.07.2013 was forwarded to the petitioner, would reveal that the address was correctly given and it was noted therein, as follows: -

"To,
Md. Fazar Ali, Chokidar
Vill-Pam Kalia dinga
P.O- Kalia dinga
Pin Code No-782128
Dist-Nagaon (Assam)
(Via)-Garajan Bazar."

38. A perusal of the address as recorded in the envelope would go to reveal that the village of the petitioner was correctly recorded, and the name of the other village was so recorded as "via" "Garajan Bazar". Accordingly, it is to be concluded that there was a due communication of the order of termination to the petitioner, however, the same not being accepted by the family members of the petitioner and/or the petitioner, it has to be deemed that the said order was served upon the petitioner. Accordingly, this Court is of the considered view that the order of termination of the petitioner, would not call for any interference on the ground of the same not being communicated to the petitioner.

39. The reliance placed by the petitioner on the decision of this Court, in the case of **Mustt Amina Khatoon (supra)**, cannot advance the case of the petitioner, inasmuch as, the petitioner has not brought on record any materials to

demonstrate that the school in question was registered under the provisions of the said Act of 2006. In absence of a registration of the school, under the provisions of the said Act of 2006, the procedure as mandated therein to be followed for imposition of penalty upon a employee, working in a non-governmental school, cannot be made applicable to the school of the petitioner, which continued to maintain its status as a "Venture School".

40. Having drawn the above conclusions, pertaining to the order of termination of the petitioner, this Court would now examine the claim of the petitioner as made in WP(C)/3721/2015, for an interference with the provincialisation of services effected in the case of the respondent no. 7 and for a direction upon the respondent authorities for provincializing the services of the petitioner against the Grade-IV post available in the said school.

41. At this stage, it is to be noted that this Court, vide an order dated 24.07.2015, noticing that the name of the petitioner figured in the Inspection Report till 2011, proceeded to direct that the provincialisation as effected in the case of the respondent no. 7 shall not be given effect to.

42. The Director of Elementary Education, Assam, vide order dated 03.01.2024, in view of the directions passed by this Court, vide the order dated 24.07.2015, in WP(C)/3721/2015, proceeded to withdraw the provincialisation of the services as effected in respect of the respondent no. 7 as a Grade-IV employee in the school in question.

43. Admittedly, the petitioner, at the time when the services of the serving employees of the said school was so provincialized, was not serving in the said school on account of his absence, followed by termination of his services and it being a mandatory requirement under the provisions of said Act of 2017, that an employee must have continuous service for being considered for provincialisation of his services, the petitioner, not having such continuous nature of service, as on

the date the said Act of 2017 came into force, he would not be entitled to have his case considered for provincialisation of his services under the provisions of the said Act of 2017. Accordingly, the petitioner is held to be not entitled for a direction for provincialisation of his services.

44. The respondent no. 7 being in service w.e.f., the year 2006 and he also being in service when the said Act of 2017 had come into force, the consideration of the case of the respondent no. 7 for provincialisation of his services as a Grade-IV employee in the said school; and the notification issued in this connection, on 23.09.2022, provincializing his services as a Grade-IV employee in the said school, have to be considered to have been so done in terms of the provisions of the Act of 2017. It has not been brought to the notice of the Court that the respondent no. 7, suffered from any disability which would have disentitled him from having his case considered for provincialisation under the said Act of 2017 and accordingly, this Court is of the considered view that the provincialisation of the services of the respondent no. 7, vide the notification dated 23.09.2022, would not call for any interference.

45. Accordingly, the interim directions as passed by this Court, vide the order dated 24.07.2015, stands vacated. Further, the consequential order dated 03.01.2024, passed by the Director of Elementary Education, Assam, withdrawing the order of provincialisation so effected in respect of the respondent no. 7 also stands set aside.

46. The Director of Elementary Education, Assam, would construe the respondent no. 7 to have been provincialized in his services, in terms of the order dated 23.09.2022 and he would be entitle to all consequential benefit of salaries w.e.f., the date, his such provincialisation was given effect to.

47. The arrear salaries due to the respondent no. 7 in this connection shall be so computed and released to the respondent no. 7 by the Director of Elementary

Education, Assam, within a period of 02 months from the date of receipt of a certified copy of this order.

48. This Court, in view of the above conclusions and directions, holds that the petitioner, herein, is not entitled to a direction for consideration of his services for provincialisation against the Grade-IV post in the said school. However, considering the disputed facts coming on record in the present proceedings and the varying stands so raised in the matter by the parties, the petitioner is at liberty to approach the jurisdictional Educational Tribunal to establish his right for having his services provincialized against the Grade-IV post in the said school. It is further provided that in the event of the petitioner instituting proceedings before the jurisdictional Educational Tribunal, the learned Tribunal shall consider the same on its own merits without being swayed by the observations made by this Court, in this order.

49. The provincialisation so effected in respect of the respondent no. 7, herein, would however, be subject to the order(s) that would be so passed by the jurisdictional Educational Tribunal, in the event any proceeding is initiated in this connection before it, by the petitioner, herein.

50. With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant