

GAHC010121672024



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

Case No. : WP(C)/3117/2024

GOPAL PRASAD SAH
S/O- LATE PARMESWAR SAH,
R/O- VILLAGE ALIMUR VIA DIKOM ,
P.O- ALIMUR,
P.S- LAHOWAL,
DIST- DIBRUGARH, ASSAM, PIN-786101

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
ELEMENTARY EDUCATION DEPARTMENT, DISPUR, ASSAM

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
ELEMENTARY EDUCATION DEPARTMENT
DISPUR
ASSAM

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

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DIBRUGARH
ASSAM

Advocate for the Petitioner : MR. R S MISHRA, MS N BURAGOHAIN,MS M NIROLA

Advocate for the Respondent : SC, ELEM. EDU, SC, SEC. EDU.

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 28.10.2024

Heard Mr. M. Nirola, learned counsel for the petitioner.

2. The District Elementary Education Officer, Dibrugarh is present in Court today and submits that inadvertently he has furnished only original suspension order and not the records, he therefore, tendered his unconditional apology before this Court.

3. Mr. B. Kaushik, learned Standing counsel, Elementary Education Department has furnished an order dated 25.10.2024 by which the petitioner has been re-instated back into service in his original place of posting with immediate effect.

4. Petitioner was provincialised by an order dated 05.02.2021, issued by the District Elementary Education Officer as Tutor, wherein, the base School is shown as Chachaji Higher Secondary School and Clause- 1 of the terms and conditions provided in the order dated 05.02.2021 provides that the petitioner will join in the base school and he/she has to perform duties in the base school only.

5. While the petitioner was serving as Tutor (Head) in Sowmarpeeth M. E. School under the Block Elementary Education Officer, Lahowal, he was placed under suspension by an order dated 21.03.2022, in connection with Lahowal P. S. Case No. 43/2022 under Sections 448/333/353/506 IPC.

6. By way of the present writ petition, the petitioner is challenging the suspension order dated 21.03.2022 on the ground that petitioner has been discharged from the said case and therefore, the suspension order should be revoked and the petitioner should be re-instated back into service. However, during pendency of this writ petition as the petitioner has already been re-instated, the learned counsel for the petitioner submits that the writ petition maybe closed.

7. Accordingly, the writ petition is closed. However, with a direction to the petitioner to report back to his original place of posting as directed in the re-instatement order dated 25.10.2024.

8. The order dated 25.10.2024, is placed on record and the personal appearance of the District Elementary Education Officer, Dibrugarh is dispensed with.

JUDGE

Comparing Assistant