

GAHC010127712024



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

Case No. : WP(C)/3337/2024

ASADUL HAQUE MAZUMDER
S/O- LATE BASARAT ALI MAZUMDER, VILL.- BARNAGAD, P.S. ALGAPUR,
DIST. HAILAKANDI, ASSAM, PIN- 788150.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION (SECONDARY) DEPARTMENT, DISPUR, GHY-781006.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781006.

3:THE INSPECTOR OF SCHOOLS

HDC

HAILAKANDI

P.S. AND DIST. HAILAKANDI

ASSAM

PIN- 788001

Advocate for the Petitioner : MR. K A MAZUMDER

Advocate for the Respondent : SC, SEC. EDU.

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 28.06.2024

Heard Mr. J. Abedin, learned counsel for the petitioner. Also heard Ms. P. Das, learned standing counsel, Secondary Education Department for all the respondents.

2. The case of the petitioner in brief is that he was appointed as a Subject Teacher in A. L. Choudhury Junior College, Algapur on 05.08.1988. Thereafter, by an order dated 18.06.2007, issued by the Secretary, G.B of the said College, the petitioner was appointed as Principal. The said A. L. Choudhury Junior College, Algapur was renamed as A. L. Choudhury Senior Secondary School and was provincialised on 04.02.2021 with the petitioner as the Principal of the said School.

3. Thereafter, in terms of the Office Memorandum dated 3rd of August, 2021, issued by the Secondary Education Department, the petitioner's School was amalgamated with the Algapur Public Higher Secondary Education as the base school. After amalgamation, the petitioner started to serve as Ex-officio Principal in the Algapur Public Higher Secondary School/Base School in terms of the Clause 15 (a) of the O.M. dated 3rd of August, 2021.

4. The case of the petitioner is that the present Principal of Algapur Public Higher Secondary School will be superannuating on 31.07.2024 and therefore as the petitioner is the Ex-officio Principal of the said Algapur Public Higher Secondary School he should be allowed to hold the post of Principal after the retirement of

the present Principal on 31.07.2024. To that effect, petitioner made a representation before the Director of Secondary Education, Assam on 16.06.2024.

5. The learned counsel for the petitioner submits that the petitioner would be satisfied if a direction is given to the Director of Secondary School, Assam to consider and dispose of the representation made by the petitioner on 16.06.2024. The same is not objected to by Ms. P. Das, learned standing counsel, Secondary Education Department.

6. Accordingly, on consensus, this writ petition is disposed of directing the Director of Secondary Education, Assam/respondent No.2 to consider and dispose of the representation made by the petitioner on 16.06.2024 by a speaking order and in accordance with law within a period of 2(two) weeks from the date of receipt of a copy of the order of this Court.

7. With the above observation and direction, this writ petition is disposed of.

JUDGE

Comparing Assistant