

GAHC010133972024



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

Case No. : WP(C)/3460/2024

SMTI DIPANJALI DUTTA
W/O- ARUN PHUKAN, HEADMISTRESS, MADAN MOHAN LOWER
PRIMARY SCHOOL, R/O- NO. 1 MOTARI HOMORA NORTH LAKHIMPUR,
P.O. BARBALI, DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY ITS COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM, DEPARTMENT OF SCHOOL EDUCATION (ELEMENTARY), DISPUR,
SACHIVALAYA, GHY-781006.

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

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
LAKHIMPUR DISTRICT
NORTH LAKHIMPUR
ASSAM

4:THE BLOCK ELEMENTARY EDUCATION OFFICER
NARAYANPUR BLOCK
DIST. LAKHIMPUR
ASSA

Advocate for the Petitioner : MR. R SARMA, MS DIPALI DUTTA

Advocate for the Respondent : SC, ELEM. EDU,

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 31.07.2024

Heard Mr. R. Sarma, learned counsel for the petitioner. Also heard Ms. S. Chutia, learned standing counsel, Elementary Education Department for all the respondents.

2. The grievance of the petitioner in the present writ petition is against the order dated 21.03.2024, issued by the District Elementary Education Officer, Lakhimpur by which the claim of the petitioner for grant of Child Care Leave (CCL) for a period of 520 days w.e.f 09.01.2024 to 01.04.2025 is rejected.

3. The petitioner is presently serving as Head Mistress of Madan Mohan L. P. School in Lakhimpur district. It is the case of the petitioner that in terms of the Notification dated 31st of July, 2015, issued by the Secretary to the Govt. of Assam, Finance Department, she is entitled to CCL for a total of 730 days. The concerned authorities had already granted the petitioner 210 days of CCL from 01.04.2023 to 29.06.2023, 01.07.2023 to 29.08.2023 and 10.10.2023 to 09.12.2023. As the petitioner is entitled to 730 days for CCL, the petitioner accordingly applied for the remaining 520 days CCL as her daughter who is a minor is studying at Allen Career Institute at Guwahati. However, as the

respondents did not consider her application she approached this Court by filing WP(C)/1342/2024 which was disposed of on 06.03.2024 directing the District Elementary Education Officer, Lakhimpur to consider the case of the petitioner and to pass appropriate orders as per applicable Notification within 2(two) weeks from the date of receipt of the said order.

4. Consequently, the District Elementary Education Officer, Lakhimpur passed an order on 21.03.2024, wherein, it is stated that there was a mismatch regarding the date of leave sought for by the petitioner mentioned in her written application and the Government prescribed format of CCL application. It was also stated that her application was not recommended by the concerned Controlling Officer, i.e., Block Elementary Education Officer, Narayanpur. The order further states that the petitioner had already availed 210 days of CCL and as a result of which the Madan Mohan L. P. School is suffering a lot and the enrollment in the school has come down to 13 (thirteen) students only. Accordingly, her CCL application was rejected in file and the petitioner was informed orally.

5. After hearing the learned counsel for the parties and on consideration of the order dated 21.03.2024, passed by the District Elementary Education Officer, Lakhimpur, this Writ Petition is disposed of directing the petitioner to file a fresh application in the prescribed format before the District Elementary Education Officer, Lakhimpur/ respondent No. 3. Thereafter, the respondent No.3 shall consider the application made by the petitioner and dispose of the same by a speaking order and in accordance with law within a period of 2(two) weeks from the date of receipt of the application.

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

JUDGE

Comparing Assistant