

GAHC010141682024



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

Case No. : Cont.Cas(C)/368/2024

NURUL HUDA LASKAR
SON OF ANCHAR ALI LASKAR,
RESIDENT OF VILLAGE- DALIDHAR,
P.O.- JANKI BAZAR, P.S.- PANCHGRAM,
DISTRICT- HAILAKANDI- 788801.

VERSUS

SURANJANA SENAPATI, ACS
DIRECTOR OF ELEMENTARY EDUCATION, ASSAM,
KAHILIPARA, GUWAHATI- 781019.

Advocate for the Petitioner : MR M J QUADIR, MR. A K HANNAN

Advocate for the Respondent : MR. R MAZUMDAR, MS K DAS

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

O R D E R

03.10.2024

Heard Mr. A.K. Hannan, learned counsel for the petitioner and Mr. R. Mazumdar, learned counsel appearing for the sole respondent/contemnor.

2. Matter relates to non-compliance and wilful & deliberate disobedience

of the order dated 07.12.2023 passed by the Court in WP(C) No.815/2023.

3. The petitioner earlier filed a writ petition being WP(C) No.815/2023, challenging the provincialisation of service of another Nurul Huda Laskar, who is the son of Maktar Uddin Laskar, respondent No.6 therein, as Tutor in 429 No. Bandukamra Lower Primary School under Hailakandi Education Block of District-Hailakandi, disregarding his service, who is also Nurul Huda Laskar, but son of Anchar Ali Laskar, a Stipendiary Teacher, serving in the said school since long.

4. By the said order dated 07.12.2023 passed in WP(C) No.815/2023, the Court directed the Director of Elementary Education, Assam to examine the issue on the basis of the available records and then to identify the actual beneficiary of the accommodation order dated 23.09.2022, by which said Nurul Huda Laskar, son of Maktar Uddin Laskar was provincialised as a Tutor and to complete the entire exercise and pass an appropriate speaking order within a period of three months from the date of receipt of a certified copy of the said order.

5. During the deliberation of the matter, Mr. R. Mazumdar, learned counsel appearing for the sole respondent/contemnor placed a copy of an order No.ECF-527279/75 dated 27.09.2024 of the Secretary to the Government of Assam in the Department of School Education, rejecting the claim of the petitioner Nurul Huda Laskar, son of Anchar Ali Laskar, as he failed to produce any proof of salary receipt or training certificate during hearing of the matter to substantiate his claim for accommodation as Tutor in place of said respondent No.6 Nurul Huda Laskar, son of Maktar Uddin Laskar and also failed to show about his subsequent joining after completion of the training.

- 6.** During such enquiry, it was also found that there was a manipulation relating to the date of birth of said Nurul Huda Laskar, son of Anchar Ali Laskar. Accordingly, the Secretary to the Government of Assam in the Department of School Education by order dated 27.09.2024, rejected the claim of the petitioner.
- 7.** The said order dated 27.09.2024 of the Secretary to the Government of Assam in the Department of School Education indicates compliance of the order dated 07.12.2023 passed in WP(C) No.815/2023.
- 8.** Accordingly, this contempt petition, being devoid of merit stands dismissed.
- 9.** The notice of contempt issued earlier to the sole respondent on 31.07.2024 is hereby recalled.
- 10.** A copy of the order dated 27.09.2024 of the Secretary to the Government of Assam in the Department of School Education, noted above, be kept as part of the record.

JUDGE

Comparing Assistant