

GAHC010146082024



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

Case No. : WP(C)/3817/2024

KUSHAL KUMAR PACHANI
S/O- LATE DULAL CHANDRA PACHANI,
B.SC., B.ED., MA GRADUATE TEACHER,
MALOWKHAT HIGH SCHOOL (HIGHER SECONDARY SCHOOL), JORHAT,
R/O SHANTI KHETRA, KATAKI PUKHURI BYE PASS,
JORHAT, PO NEIST (RRL), DIST. JORHAT,
ASSAM, PIN- 785006.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE SECRETARY,
TO THE GOVT. OF ASSAM,
SCHOOL EDUCATION DEPARTMENT,
ASSAM CIVIL SECRETARIAT, DISPUR,
GUWAHATI, ASSAM, PIN- 781006.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
ASSAM
PIN- 781019.

3:THE INSPECTOR OF SCHOOLS
JORHAT DISTRICT CIRCLE
JORHAT
DIST.- JORHAT
ASSAM

Advocate for the Petitioner : MR. B PURKAYASTHA, J.P. BARUAH,MR. S SUTRADHAR

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

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER**

27.09.2024

Heard Mr. B. Purkayastha, learned counsel for the petitioner and Mr. N.J. Khataniar, learned Standing Counsel, Secondary Education, Assam.

2. In this petition, under Article 226 of the Constitution of India, the petitioner has prayed for issuance of direction to the State respondents to complete the process of promotion to the post of Headmaster, which has been initiated by the Director of Secondary Education, Assam, through the communication dated 01.06.2023.

3. Mr. Purkayastha, learned counsel for the petitioner submits that the petitioner has been working as In-Charge Headmaster of Malowkhat High School, now designated as Malowkhat Higher Secondary School, Jorhat since 31st May, 2019. Mr. Purkayastha further submits that he has not been provided any financial benefit for holding the post of In-Charge Headmaster and he has also not been promoted to the post of Headmaster inspite of there being vacancies and therefore, he had filed one representation on 27.07.2023. But, the said representation filed by the petitioner, failed to evoke any response from the respondent authorities. Therefore, Mr. Purkayastha submits that the respondent No. 2 may be directed to consider the promotion of the petitioner in terms of representation dated 27.07.2023, filed by him.

4. On the other hand, Mr. Khataniar, learned Standing Counsel, Secondary Education, Assam submits that the process of promotion to the post of Headmaster for the district of Jorhat has already been initiated by the State Selection Board and the same is apparent from the communication, dated 01.06.2023, vide Annexure – 5. Mr. Khataniar further submits that the entire process will be completed within a period

of two months and as such, this writ petition may be disposed of, by directing the respondent authorities to consider the candidature of the present petitioner to the post of Headmaster.

5. Having heard the submissions of learned counsel for both the parties, I have carefully gone through the petition and the documents placed on record.

6. It is not in dispute that the petitioner has been working as In-Charge Headmaster of Malowkhat High School since 31.05.2019. Indisputably, he has not been provided with any financial benefit for the same. He has also not been promoted to the post of Headmaster despite the post of Headmaster being vacant. But, it appears that the process for filling up the post of Headmasters have already been initiated by the respondent authorities, vide Annexure – 5, letter dated 01.06.2023, by inviting gradation list of eligible teachers for filling up the vacant post of Headmasters of some districts of Assam including Jorhat district to which the petitioner is belonging. As submitted by Mr. Khataniar the process will be completed within 2 (two) months.

7. The petitioner shall obtain a certified copy of this order and shall place the same before the respondent authorities, especially the respondent No. 2.

8. In terms of above, this writ petition stands disposed of. The parties have to bear their own costs.

Comparing Assistant

JUDGE