

GAHC010146992021



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

Case No. : WP(C)/4781/2021

MADHU BAUL

S/O. LT. RAM KAMAL BAUL, VILL. LANKA TOWN, WARD NO.1, P.O. LANKA, P.S. LANKA, DIST. HOJAI, PIN-782446, ASSAM, PRESENTLY SERVING AS SENIOR HINDI TEACHER, MAWLANA ABDUL HANAN KHAN HIGH SCHOOL.

VERSUS

THE STATE OF ASSAM AND 4 ORS. REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM, EDUCATION (SECONDARY) DEPTT., DISPUR, GUWAHATI-781006.

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

3:THE INSPECTOR OF SCHOOLS HOJAI DIST. PIN-782105.

4:THE INSPECTOR OF SCHOOLS NAGAON DIST. PIN-782105.

5:MD. AFAZ UDDIN AHMED HEADMASTER
MAWLANA ABDUL HANAN KHAN HIGH SCHOOL HOJAI ASSAM

Advocate for the Petitioner : MR. A DEKA
Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 04.01.2024

Ms. P. Chutia, learned counsel for respondent No. 5, submits that the respondent No. 5 has retired from service on 31.12.2023, on attaining the age of superannuation.

In that view of the matter, the challenge as presented by the petitioner to the selection and appointment of respondent No. 5 as the Headmaster of Mowlana Abdul Hannan Khan High School, Hojai, no longer exists. However, it is the apprehension of the petitioner that his seniority and eligibility to hold the post of Headmaster of the said school, shall be undermined by the respondent authorities and a person junior to him, may be allowed to hold the said post of Headmaster.

As the issue for determination arising in the present proceeding no longer exists, this writ petition stands disposed of with a direction to the respondent authorities to expeditiously initiate and complete the process for selection and appointment on regular basis against the post of Headmaster of the school in question strictly in terms of the rules holding the field.

Till the post of Headmaster of the school in question, is filled-up on regular basis; the respondent authorities may allow any teacher serving in the said school, including the petitioner, fulfilling the qualifications as mandated under the provisions of the Assam Secondary Education (Provincialized Schools) Service Rules, 2018, to hold the charge of the said post of Headmaster.

JUDGE

Comparing Assistant