

GAHC010148362017



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

Case No. : WP(C)/7058/2017

SAJIRA SHARMA
W/O SRI PRANAB BORAH R/O VILL- MURHATETELI
P.O. and P.S. TEZPUR DIST. SONITPUR, ASSAM, PIN - 784001.

VERSUS

1: THE STATE OF ASSAM and 2 ORS REP. BY THE COMMISSIONER AND
SECRETARY TO THE GOVT. OF ASSAM, EDUCATION SECONDARY
DEPARTMENT, DISPUR, GUWAHATI -6.

2: THE DIRECTOR OF SECONDARY EDUCATION
ASSAM KAHILIPARA GUWAHATI -19 DIST. KAMRUP M ASSAM

3: THE INSPECTOR OF SCHOOLS SONITPUR DISTRICT CIRCLE
TEZPUR DIST. SONITPUR ASSAM PIN - 784001

Advocate for the Petitioner : MS.I DEKA

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 08-01-2024

Heard Mr. R. Sarma, learned counsel for the petitioner and Ms. D. Musahary, learned standing counsel, Education (Secondary) Department, appearing for all the respondents.

The petitioner has raised a grievance with regard to a communication dated 25.09.2017 issued by the Commissioner & Secretary to the Government of Assam, Education (Secondary) Department, by which her promotion to the post of Headmistress of Keherukhanda High School was cancelled.

The petitioner in pursuance to an advertisement dated 14.05.2015 had submitted her application for being considered for appointment against the post of Headmistress. The petitioner in her application had submitted that she had joined her services on 25.06.2014 and was receiving the graduate scale w.e.f. 25.06.2014. Basing on the said disclosure made, the concerned authorities vide order dated 05.08.2017 appointed the petitioner as Headmistress of Keherukhanda High School and the petitioner accordingly joined her services.

It is to be noted here that the minimum experience required for promotion to the post of Headmaster/Headmistress is 10(ten) years of service as a Graduate Teacher. The petitioner admittedly did not have the minimum period of teaching experience as a Graduate Teacher and as such, she was ineligible for being considered for the post of Headmistress. However, what is to be noted here is that the petitioner had not suppressed the said fact but had disclosed that she had joined her services and was drawing graduate scale of pay only w.e.f. 25.06.2014. The said application of the petitioner was considered with open eyes by the respondent authorities. Accordingly, the petitioner not being eligible for being considered in terms of the provisions of the Rules holding the field for promotion to the post of Headmistress, the order dated 25.09.2017 is not interfered with by this Court.

Mr. Sarma has submitted that during the pendency of the present proceeding, the Inspector of Schools, Sonitpur District Circle, Tezpur has

instituted a departmental proceeding against the petitioner by way of issuance of a show cause notice dated 28.09.2018 and the proceeding thereunder is still pending.

Be that as it may, the same being a development not under challenge in the present proceeding, no opinion thereon is expressed by this Court. However, the order dated 25.09.2017 having been found to be issued validly, the writ petition is held to be without any merit and accordingly, the same stands dismissed.

There will be no order as to cost.

JUDGE

Comparing Assistant