

GAHC010153092024



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

Case No. : WP(C)/3858/2024

RAJIB KUMAR DAS

S/O - LATE BANAMALI DAS. R/O- VILLAGE- UTTAR BORBIL, P.O- UTTAR BORBIL, P.S- HOWRAGHAT, DISTRICT- KARBI ANGLONG, ASSAM, PIN NO- 782481.

VERSUS

THE STATE OF ASSAM AND 11 ORS
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, EDUCATION DEPARTMENT, DISPUR, GUWAHATI, ASSAM, PIN NO- 781006.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
KAHILIPARA
GUWAHATI
DIST. KAMRUP(M)
ASSAM
PIN-781019.

3:THE KARBI ANGLONG AUTONOMOUS COUNCIL
(KAAC)
REPRESENTED BY ITS PRINCIPAL SECRETARY
KAAC
DIPHU
DIST. KARBI ANGLONG
ASSAM
PIN- 782460.

4:THE JOINT SECRETARY
PRIMARY EDUCATION DEPARTMENT
KARBI ANGLONG AUTONOMOUS COUNCIL (KAAC)

DIPHU
DIST. KARBI ANGLONG
ASSAM
PIN- 782460.

5:THE DISTRICT PRIMARY EDUCATION OFFICER (DPEO)
KARBI ANGLONG AUTONOMOUS COUNCIL (KAAC)
DIPHU
DIST. KARBI ANGLONG
ASSAM
PIN- 782460.

6:THE BLOCK PRIMARY EDUCATION OFFICER (BPEO)
HOWRAGHAT BLOCK AT HOWRAGHAT
DIST. KARBI ANGLONG
ASSAM
PIN- 782481.

7:THE BLOCK PRIMARY EDUCATION OFFICER (BPEO)
RONGMONGVE BLOCK AT RONGMONGVE
DIST. KARBI ANGLONG
ASSAM
PIN- 782136.

8:THE HEADMASTER OF RENGRENG JHARONI L.P. SCHOOL
UNDER HOWRAGHAT BLOCK
DIST. KARBI ANGLONG
ASSAM
PIN- 782481.

9:THE HEADMASTER OF KHORSIM ATHOI L.P. SCHOOL
UNDER RONGMONGVE BLOCK
DIST. KARBI ANGLONG
ASSAM
PIN- 782136.

10:THE HEADMASTER OF SIKARI ENGTI L.P. SCHOOL
UNDER HOWRAGHAT BLOCK
DIST. KARBI ANGLONG
ASSAM
PIN- 782481.

11:TALKU TAMANG
(A/T TEACHER) S/O- KALED BAHADUR TAMANG
R/O- VILL.- RONGKUT
P.O. RONGKUT
P.S. HOWRAGHAT
DIST. KARBI ANGLONG

ASSAM
PIN- 782481.

12:PHUKAN BASUMATARY
(A/T TEACHER)
R/O-VILL.- CENTRE BATAN
P.O. CENTRE BATAN
P.S. HOWRAGHAT
DIST. KARBI ANGLONG
ASSAM
PIN- 782481

Advocate for the Petitioner : MR. N K MURRY, MS P TOKBIPI,MS S.DAS,P HAJONG

Advocate for the Respondent : SC, EDU, SC, K A A C

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 31.07.2024

- 1.** Heard Mr. N.K. Murry, learned counsel for the petitioner.
- 2.** Also heard Ms. S. Chutia, learned Standing counsel, Elementary Education Department, for respondent No. 1 & 2 and Mr. J. Chutia, learned Standing counsel, KAAC for respondent Nos. 3 to 7.
- 3.** The petitioner was appointed as Assistant Teacher under the Primary Education Department, Karbi Anglong Autonomous Council by an order dated 18.11.2019 and was posted at Rengreng Jharoni L.P. School. While the petitioner was serving as such, the District Primary Education Officer, Karbi Anglong Autonomous Council issued an order dated 11.03.2024 transferring the petitioner from Rengreng Jharoni L.P. School under Howraghat Bock to Khorsim L.P. School under Rongmongve Block and the respondent No. 12 was transferred in place of the petitioner. It is the case of the petitioner that the said

order dated 11.03.2024, by which, the petitioner was transferred to Khorsim L.P. School under Rongmongve Block, was never communicated to the petitioner and he continued to serve as Assistant Teacher at Rengreng Jharoni L.P. School. It is also the case of the petitioner that his name is wrongly recorded in the order dated 11.03.2024. Thereafter, by a Corrigendum dated 12.09.2024, the name of the petitioner was corrected, however, his transfer continued to be the same as contained in the earlier order dated 11.03.2024.

4. It is the case of the petitioner that his wife is presently in the gestation period and she needs constant medical attention whereas the place where the petitioner has been posted, i.e. Khorsim L.P. School under Rongmongve Block, no medical attention can be given to the petitioner's wife. Accordingly, the petitioner made a representation on 29.07.2024 before the District Primary Education Officer, KAAC explaining the difficulties faced by him and with a request for consideration of the transfer order. The further case of the petitioner is that Corrigendum is dated 12.09.2024, a date which is yet to come inasmuch as we are presently in the month of July, 2024.

5. Mr. J. Chutia, learned standing counsel, KAAC fairly submits that the petitioner may be directed to make a representation before the Secretary, School Education, KAAC within a specified period of time and thereafter, the concerned authority shall dispose of the same in accordance with law.

6. After hearing the learned counsel for the parties and on consideration of the materials available on record, this writ petition is disposed of directing the petitioner to file a representation giving in details the difficulties faced by him as well as the petitioner's wife before the Secretary, School Education, KAAC within one week from today. Thereafter, the Secretary, School Education, KAAC, on receipt of representation, shall consider and dispose of the same in accordance

with law within a period of three weeks from the date of receipt of the said representation by also taking into consideration that the petitioner's wife is presently in gestation period.

7. Till the representation is disposed of, the order dated 11.03.2024 and Corrigendum dated 12.09.2024 shall remain suspended insofar as the petitioner is concerned.

8. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant