

GAHC010170152024



2024:GAU-AS:10807

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

Case No. : WP(C)/4428/2024

LAL MAHMUD
S/O- LATE ABUL KASHEM, R/O- VILLAGE- RUBHI, P.O.- BALIKURI, P.S.
KALGACHIA, DIST.- BARPETA, ASSAM, PIN- 781319

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, SECONDARY EDUCATION DEPARTMENT,
DISPUR, GUWAHATI-6

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE DEPUTY DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

4:THE MISSION DIRECTOR
SAMAGRA SHIKSHA
ASSAM
KAHILIPARA
GUWAHATI-19

5:THE INSPECTOR OF SCHOOLS
BARPETA DISTRICT CIRCLE
BARPETA
DIST.- BARPETA

ASSAM
PIN- 781301

6:THE DEPUTY COMMISSIONER
BARPETA
DIST.- BARPETA
ASSAM
PIN- 781301

7:SHRI MAZEDUL ISLAM @ MAZIDUL ISLAM
PRESIDENT
SMDC OF BALIKURI ANCHALIK HIGH SCHOOL
S/O- RAHMATULLAH
R/O- VILLAGE- BALIKURI K
P.O. BALIKURI
DIST.- BARPETA
ASSAM
PIN- 78131

Advocate for the Petitioner : MD. S ALOM, MR. P K DEKA,MR. I H LASKAR,MR. M S ALAM

Advocate for the Respondent : SC, SEC. EDU., GA, ASSAM,SC, SSA

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 06.11.2024

1. Heard Mr. P.K. Deka, learned counsel for the petitioner as well as Mr. U. Sarma, learned standing counsel, Secondary Education Department, for the respondent Nos. 1, 2, 3 & 5; Mr. B. Choudhury, learned standing counsel, SSA, for the respondent No. 4 and Mr. B. Deori, learned Government Advocate, for the respondent No. 6.

2. While the petitioner was functioning as Headmaster In-charge of the Balikuri Anchalik High School, Barpeta, he was placed under suspension by an Order dated 16.02.2024 issued by the Director, Secondary Education, Assam on

the charges of misappropriation of funds allotted to the school under the Mid-day Meal Scheme. By the same order in view of the suspension of the petitioner, the Inspector of Schools, Barpeta was temporarily allowed to act as Headmaster In-charge of the said Balikuri Anchalik High School, district Barpeta.

3. A Show Cause Notice was issued to the petitioner on 28.02.2024 by the Disciplinary Authority-cum-Director, Secondary Education, Assam and the petitioner was asked to give his reply within a period of 10 days. The petitioner accordingly submitted his reply on 18.03.2024. Thereafter, the disciplinary proceeding proceeded against the petitioner and the Inquiry Officer submitted the inquiry report on 11.06.2024. The Director, Secondary Education, Assam passed an Order on 20.07.2024, by which the petitioner was reinstated into service as Assistant Teacher of Balikuri Anchalik High School, district Barpeta with immediate effect and the departmental proceeding against the petitioner was dropped and the period of suspension was also regularised for all purposes. By the same order, the Inspector of Schools, Barpeta was allowed to continue as Headmaster In-charge of Balikuri Anchalik High School, Barpeta till the post of Headmaster of the said school is filled up by regular incumbent.

4. The learned counsel for the petitioner submits that the department proceeding against the petitioner was dropped and his suspension period was regularised for all purposes by the Order dated 20.07.2024. However, the petitioner was reinstated only as an Assistant Teacher of Balikuri Anchalik High School, Barpeta and the Inspector of Schools, Barpeta is allowed to continue as Headmaster In-charge of the said school. By permitting the Inspector of Schools to continue as Headmaster In-charge of the said Balikuri Anchalik High School, Barpeta, the image of the petitioner is tarnished in front of the public and the students, more particularly, when the departmental proceeding has been

dropped and the petitioner has been reinstated back into service. He however submits that without entering into merits of the present writ petition, the petitioner may be permitted to file a representation before the Director, Secondary Education, Assam ventilating all his grievances within a specified period of time and thereafter, the Director, Secondary Education, Assam may be directed to consider the said representation and dispose of the same within a time frame.

5. Mr. U. Sarma, learned standing counsel, Secondary Education Department, has no objections.

6. Recording the submissions of the learned counsel for the petitioner, this writ petition is disposed of directing the petitioner to file a representation before the Director, Secondary Education, Assam within a period of one week from today. Thereafter, the Director, Secondary Education, Assam, on receipt of the representation, shall consider and dispose of the same by a speaking order and in accordance with law with within a period of one month from the date of receipt of the said representation.

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

JUDGE

Comparing Assistant