

GAHC010175112022



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

Case No. : Cont.Cas(C)/486/2022

SULEMAN ALI
S/O- LATE ABDUR RAHMAN,
VILL- PUB CHUBA,
P.O- KHARUPETIA, P.S- DHULA, DIST- DARRANG, ASSAM, PIN-784115

VERSUS

MAMATA HOJAI AND ANR
THE DIRECTOR OF SECONDARY EDUCATION
KAHILIPARA, GUWAHATI- 19, ASSAM.

2:RINI HAZARIKA
THE INSPECTOR OF SCHOOLS
DARRANG DISTRICT CIRCLE
MANGALDOI
P.O AND P.S- MANGALDOI
DIST- DARRANG
ASSAM
PIN-78412

Advocate for the Petitioner : MR. M K HUSSAIN

Advocate for the Respondent : MR. R MAZUMDAR

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 29-02-2024

Mr. M.K. Hussain, learned counsel for the petitioner is present.

Mr. R. Mazumder, learned counsel for the respondent Nos. 1 and 2 submits that in terms of the order dated 06-05-2022 passed by this Court, steps for filling up the post of Principal of Kharupetia H.S. School on regular basis has already been initiated. However, there was delay from the WPT&BC Department, Assam in examining the district wise roster register which has contributed in the delay in implementation of the Court's order.

Contending that finalisation of the reservation register is a matter lying within the domain of WPT&BC Department, Mr. Mazumder submits that unless the roster register is finalised, implementation of the Court's order will be delayed. Therefore, this is not a case of wilful violation of the Court's order.

After going through the petition, this Court finds that the petitioner has neither demanded compliance of the order of this Court from the Secretary to the WPT&BC Department nor is the concerned Secretary a party to this case. Under the circumstances, this Court is of the opinion that no further order can be passed in this contempt case against the respondents.

Consequently, this contempt case stands closed by granting liberty to the petitioner to demand compliance of the order from the concerned Secretary. Alternatively, the petitioner would also be at liberty to file fresh writ petition, if there is proper cause of action for doing so against the WPT&BC Department.

JUDGE

GS

Comparing Assistant