

GAHC010182162024



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

Case No. : I.A.(Civil)/2733/2024

BIKASH PURKAYASTHA
S/O- LT. BIRENDRA KR. PURKAYASTHA,
R/O- MALUGRAM, NABAPALLY ROAD, HOUSE NO. 7,
P.O.- SILCHAR, P.S.- MALUGRAM OUT POST,
DISTRICT- CACHAR, ASSAM,
PIN- 788002.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPARTMENT
OF EDUCATION (SECONDARY), GOVERNMENT OF ASSAM, DISPUR,
GUWAHATI-06.

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

3:DEPUTY COMMISSIONER
CACHAR
SILCHAR
PIN- 788001.

4:THE INSPECTOR OF SCHOOLS
CDC
SILCHAR
DISTRICT- CACHAR
ASSAM
PIN 788001.

5:SALEH AHMED LASKAR
EX PRINCIPAL (I/C)
BASKANDI NENA MIA HIGHER SECONDARY SCHOOL
BASKANDI
R/O- TURAI MEAH ROAD
NEAR KODOMTOLA MASJID
RONGPUR PART-2
SILCHAR
DISTRICT- CACHAR
PIN- 788109

Advocate for the Petitioner : MRS. P GOSWAMI,

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

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

13.09.2024

O R D E R

Heard Mrs. P. Goswami, learned counsel for the applicant as well as Mr. U. Sharma, learned Standing Counsel, Secondary Education Department, Government of Assam, for respondent Nos.1 to 4.

The applicant, who is the petitioner in WP(C) No.4678/2023, has filed the present application praying for some corrections in paragraph Nos.6 and 7 of the order dated 29.08.2024 passed in the said writ petition.

Learned counsel for the applicant submits that due to typographical mistake, the word "excess" has not been added prior to the expression casual leave at the fifth line of paragraph No.6 as well as at the third line of paragraph No.7. She, therefore, submits that the work excess may be inserted in the said paragraphs.

Mr. U. Sharma, learned Standing Counsel, Secondary Education Department, has no objections.

This Court has perused the materials available on record and is of the

considered opinion that some typographical errors had crept into the order dated 29.08.2024 passed in WP(C) No.4678/2023, particularly, at paragraph Nos.6 and 7.

Accordingly, paragraph Nos.6 and 7 of the order dated 29.08.2024 passed in WP(C) No.4678/2023 is modified and the same shall read as under:-

“6. After hearing learned counsel for the parties and on consideration of the materials available on record, what is discernible in the present writ petition is that similarly situated teachers who had availed excess Casual Leave were adjusted against their Earned Leave by the Inspector of Schools, CDC, Silchar. Further, as the petitioner denies that he has not taken any excess Casual Leave for the year 2022, the same being a disputed question of fact, this Court is unable to enter into the same exercising jurisdiction under Article 226 of the Constitution of India.

7. Accordingly, the matter is remanded to the Director of Secondary Education/respondent No.2 to have a verification as to whether the petitioner had availed any excess Casual Leave for the year 2022 by calling for the Attendance Register of Banskandi N.M.H.S. School for the year 2022. The respondent No.2 shall also hear the petitioner in person in the presence of the Principal, Banskandi N.M.H.S. School as well as the concerned Inspector of Schools and thereafter pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of the order of this Court.”

The IA is, accordingly, allowed.

JUDGE

Comparing Assistant