

GAHC010198262021



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

Case No. : WP(C)/6511/2021

MOHAN BORUAH
S/O. LT. KUSH RAM BORUAH, VILL. GHARMARA, P.O. DHENUKHANA, P.S.
GHILAMARA, DIST. LAKHIMPUR, ASSAM, PIN-787053.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION (SECONDARY) DEPTT., DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER AND SECRETARY

TO THE GOVT. OF ASSAM
EDUCATION (SECONDARY) DEPTT.
DISPUR
GUWAHATI-781006.

3:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI-781019.

4:THE INSPECTOR OF SCHOOLS
LAKHIMPUR DISTRICT CIRCLE
LAKHIMPUR 787001 ASSAM.

5:MINA KANTA SAIKIA ASSTT. TEACHER
DHENUKHANA HIGH SCHOOL
LAKHIMPUR PIN-787053
ASSAM.

6:THE STATE SELECTION BOARD
ASSAM REP. BY THE DSE
ASSAM MEMBER SECRETARY
KAHILIPARA GHY.-19

Advocate for the Petitioner : MR. A DEKA
Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 10.06.2024

None appears on behalf of the petitioner, on call.

The present writ petition has been so instituted making a challenge to the order, dated 16.11.2021, by which, the Director, Secondary Education Department, Assam, had promoted the respondent No. 5 to the post of Headmaster of Dhenukhana High School of Lakhimpur District.

Ms. P. Das, learned standing counsel, Secondary Education Department, has submitted, basing on the instructions received by her that the respondent No. 5, herein, having received his graduate scale of pay w.e.f. 05.11.2013, is not eligible for being promoted to the said post of Headmaster and accordingly, a process was initiated for seeking approval for cancellation of the order of promotion so issued in favour of the respondent No. 5.

In view of the said stand as taken by the Secondary Education Department in the present proceeding, and also noticing that the respondent

No. 5 did not fulfill the requirements for being considered for promotion to the post of Headmaster of the school, in question, in terms of the provisions of the Rules holding the field; the order, dated 16.11.2021, is interfered with by this Court.

The respondent authorities are now directed to initiate a fresh process for promotion against the said post of Headmaster as existing in Dhenukhana High School by strictly complying with the provisions of the Rules holding the field.

It is contended by Ms. Das, learned standing counsel, Secondary Education Department, that the petitioner has during the pendency of this proceeding, retired from his service on 30.11.2022, on attaining the age of superannuation. Accordingly, no direction is called upon for a consideration in the case of the petitioner for promotion to the post of Headmaster of the said school.

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

JUDGE

Comparing Assistant