

GAHC010209852024



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

Case No. : WP(C)/5204/2024

MD. AINUL HAQUE
S/O. SRI. NAZIMUDDIN AHMED, R/O. BARNAGAR BANEKUCHI, P/S.
NALBARI, DIST.- NALBARI, ASSAM, PIN-781340.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM, PHE
DEPARTMENT, ASSAM SECRETARIAT, DISPUR, GUWAHATI, ASSAM. PIN-
781006

2:THE CHIEF ENGINEER
WATER
PUBLIC HEALTH ENGINEERING DEPARTMENT
HENGRABARI HEALTH COMPLEX
HENGRABARI ROAD
GUWAHATI
ASSAM
PIN-781036.

3:THE EXECUTIVE ENGINEER
NALBARI DIVISION
PUBLIC HEALTH ENGINEERING DEPARTMENT
NALBARI
ASSAM.

4:THE EXECUTIVE ENGINEER
SOUTH SALMARA MANKACHAR DIVISION
PUBLIC HEALTH ENGINEERING DEPARTMENT
HATSINGIMARI
ASSAM
PIN-7831354

Advocate for the Petitioner : MR S BORTHAKUR, MR SAURADEEP DEY

Advocate for the Respondent : SC, P H E,

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 22-10-2024

Heard Mr. S. Dey, learned counsel for the writ petitioner. Also heard Mr. R.R. Gogoi, learned standing counsel, PHE Department, Assam who has produced a copy of the order dated 01-10-2024 issued by the Chief Engineer, (PHE), Water, Assam, which goes to show that the transfer order dated 16-09-2024 pertaining to the writ petitioner under challenge in this writ petition, has since been modified and the petitioner has been posted as Sr. Assistant in the office of the Executive Engineer, PHE, Rangia against an existing vacancy.

Mr. Dey submits that the petitioner would challenge the order dated 01-10-2024 by filing appropriate proceeding. Be that as it may, by the order dated 03-10-2024 passed in this proceeding the respondents were granted liberty to modify the transfer order dated 16-09-2024 by taking note of the submission of the learned departmental counsel that the petitioner is likely to be posted at Rangia in modification of the transfer order dated 16-09-2024. If that be so, this Court is of the opinion that no live issue survives for adjudication in this writ petition.

As such, by granting liberty to the petitioner to assail the order dated 01-10-2024, if so advised, this writ petition stands closed.

JUDGE

GS

Comparing Assistant