

GAHC010213882024



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

Case No. : WP(C)/5328/2024

JOGESH CHANDRA LAHKAR
S/O- LATE GOPAL CH. LAHKAR,
R/O- VILLAGE- GHOGRAPAR, NALBARI,
DISTRICT - NALBARI (ASSAM),
PIN- 781335.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY,
GOVT. OF ASSAM, EDUCATION (SECONDARY) DEPARTMENT,
DISPUR, GUWAHATI-6.

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

3:THE DISTRICT LEVEL COMMITTEE ON INTER DISTRICT TRANSFER
NALBARI DISTRICT
REPRESENTED BY THE DEPUTY COMMISSIONER
NALBARI
ASSAM.

4:THE AXOM SARBA SIKSHA ABHIJAN MISSION
REPRESENTED BY THE MANAGING DIRECTOR
KAHILIPARA
GUWAHATI- 781019.

5:THE INSPECTOR OF SCHOOLS
NALBARI
DISTRICT- NALBARI
ASSAM

Advocate for the Petitioner : MR. S CHOWDHURY, MR. LENTSO

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

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR
ORDER

23.10.2024

Heard Mr. S. Chowdhury, learned counsel for the petitioner. Also heard Ms. P. Das, learned Standing Counsel, Secondary Education Department, Government of Assam, for respondent Nos.1, 2 and 5; Mr. P. Saikia, learned Government Advocate, Assam, for respondent No.3 and Mr. B. Gogoi, learned Standing Counsel, SSA, for respondent No.4.

2. The petitioner was initially appointed as Subject Teacher of Banbhag Senior Secondary School, Nalbari in the year 2006. Thereafter, the petitioner was transferred from Banbhag Senior Secondary School to Dhamdhama Senior Secondary School, Nalbari in public interest due to absence of Assamese Teacher in the said Dhamdhama Senior Secondary School. Till date, the petitioner is serving in the said Dhamdhama Senior Secondary School. However, he is drawing his salary from Banbhag Senior Secondary School, Nalbari. In the meantime, the Government of Assam by virtue of *Axom Sarba Siksha Abhijan Mission, Rashtriya Madhyamik Shiksha Abhiyan*, Assam had initiated the process of transfer of Teachers who have completed a continuous period of service of ten years and more from one School to another within the State of Assam. As the petitioner has completed almost 24 years of continuous service, he made his application for transfer to Dhamdhama Senior Secondary School, Nalbari as a

regular employee on 06.09.2023. However, his case is still pending before the concerned DLC for consideration. Accordingly, the petitioner made a representation on 30.09.2024 before the Director of Secondary Education, Assam for transfer from Banbhag Senior Secondary School, Ghograpar to Dhamdhama Senior Secondary School, Nalbari and a copy of which was also endorsed to the Chairman, DLC, Nalbari and the Managing Director, Assam Sarba Siksha Abhijan Mission, Assam, Guwahati. However, till date, no steps have been taken and, accordingly, being aggrieved, the petitioner has approached this Court by way of the present writ petition.

3. This Court, on consideration of the representation dated 30.09.2024 made by the petitioner, is of the considered opinion that the petitioner should have made his representation to the Chairman, DLC, Nalbari. Accordingly, the petitioner is directed to file a fresh representation through the concerned Inspector of Schools before the Chairman, DLC, Nalbari within a period of one week from today. Thereafter, on receipt of the representation, the DLC, Nalbari shall consider and dispose of the representation as well as pass necessary order(s) for consideration by the Director of Secondary Education within a period of one month from the date of receipt of the representation.

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

JUDGE

Comparing Assistant