

GAHC010233962024



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

Case No. : WP(C)/5748/2024

RANJIT DEVA SHARMA
S/O SRI THANESWAR DEVA SHARMA
R/O VILL- BAMGAON
P.O. AND P.S. SILAPATHAR
DIST. DHEMAJI, ASSAM
PIN-787059

VERSUS

THE STATE OF ASSAM AND 4 ORS
DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI-781006

2:THE MISSION DIRECTOR

OFFICE OF THE MISSION DIRECTOR
SAMAGRA SHIKSHA AXOM
KAHILIPARA
GUWAHATI- 19.

3:THE CHIEF ACCOUNTANTS OFFICER

OFFICE OF THE MISSION DIRECTOR
SAMAGRA SHIKSHA AXOM
KAHILIPARA
GUWAHATI-19

4:THE DISTRICT MISSION CO-ORDINATOR

SSA
DHEMAJI
ASSAM

5:THE BLOCK MISSION CO-ORDINATOR

SSA
DHEMAJI BLOCK
DHEMAJI
ASSA

Advocate for the Petitioner : MR. K K HANDIQUE, MR. J SINGH, DR ANKIT TODI

Advocate for the Respondent : SC, SSA,

BEFORE

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

O R D E R

08.11.2024

Heard Mr. K.K. Handique, learned counsel for the petitioner. Also heard Mr. Ganesh Pegu, learned Standing Counsel, Secondary Education Department, for the respondent No.1 and Mr. P. Naik, learned Standing Counsel, SSA for the respondent Nos. 2, 3, 4 and 5.

2. The petitioner while functioning as a Block MIS Co-ordinator of SSA, Dhemaji Block of Dhemaji district, was transferred and posted at Balipara Block SSA, Sonitpur in the same capacity by an order dated 19.08.2024 issued by the Mission Director, SSA.

3. The petitioner on 03.09.2024 made a representation before the Mission Director, SSA/respondent No.2 praying for temporary suspension of his transfer order on the ground that his father is paralyzed and he requires to take care of him.

4. The respondent No.2 again issued another order on 20.09.2024 partially modifying the earlier order dated 19.08.2024 and transferred the

petitioner at Hailakandi Block of SSA, Hailakandi.

5. The petitioner again made a representation before the respondent No.2 on 23.10.2024 praying for temporary suspension of the transfer order on the same grounds that he has a paralyzed father and he requires to take care of him.

6. In the meantime, the Block Mission Co-ordinator, SSA, Dhemaji Block released the petitioner from the SSA, Dhemaji Block by a communication dated 04.11.2024. In the said release order, it is also stated that the petitioner has an outstanding financial liability amounting to Rs.1,46,770/- with the Block Mission Office, SSA, Dhemaji Block and that he has not handed over the charge.

7. It is the case of the petitioner that after the transfer order dated 20.09.2024, the petitioner made a representation on 23.10.2024. However, without considering the same, the Block Mission Co-ordinator, SSA, Dhemaji Block has released the petitioner by the communication dated 04.11.2024.

8. Accordingly, a prayer has been made by the petitioner that a direction may be issued to the respondent No.2 to dispose of his representation, which was submitted by him on 23.10.2024 before the respondent No.2.

9. Mr. P. Naik, learned Standing Counsel, SSA has no objections.

10. After hearing the learned counsel for the parties and on consideration of the materials available on record, this writ petition is disposed of directing the Mission Director, SSA/respondent No.2 to consider and dispose of the representation dated 23.10.2024 made by the petitioner by a speaking order and in accordance with law within a period of two weeks

from the date of receipt of a copy of the order of this Court. The outcome of the consideration of the representation shall also be communicated to the petitioner forthwith.

11. Till the representation is disposed of, the transfer order dated 20.09.2024 and the release order dated 04.11.2024 shall remain suspended.

JUDGE

Comparing Assistant