

GAHC010242712024



2024:GAU-AS:12926

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

Case No. : WP(C)/6089/2024

GEORGE BHUSAN TETTA
S/O- LATE ILIA TETTA, R/O- MUNDA BASTI, P.O. RANGACHAKUA, DIST.
SONITPUR, ASSAM, PIN- 784182.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, SECONDARY EDUCATION, DISPUR,
GUWAHATI-06.

2:THE DIRECTOR

SECONDARY EDUCATION
KAHILIPARA
GUWAHATI
ASSAM-19.

3:THE INSPECTOR OF SCHOOLS
SONITPUR DISTRICT CIRCLE
TEZPUR
ASSAM-784001

Advocate for the Petitioner : MR. I H SAIKIA, MR. B BORAH,MR. K KALITA,MR K KASHYAB

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

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR
O R D E R

18.12.2024

Heard Mr. I.H. Saikia, learned counsel for the petitioner. Also heard Mr. S.M.T Chisti, learned Standing Counsel, Secondary Education Department on behalf of all the respondents.

2. The petitioner while serving as a Grade-IV employee in the Bordikorai High School, Sonitpur, was placed under suspension by an order dated 31.08.2022 issued by the Inspector of Schools, Sonitpur District Circle, Tezpur in connection with Jamuguri P.S Case No.82/2022 registered under Sections 448/376/511 of IPC. The case of the petitioner in the present writ petition is that the order of suspension dated 31.08.2022 has not been reviewed by the authorities despite a lapse of more than 90 (ninety) days.

3. Mr. SMT Chisti, learned Standing Counsel, Secondary Education Department, Assam on instruction submits that the petitioner was placed under suspension as he was detained in judicial custody for more than 48 (forty eight) hours w.e.f. 10.07.2022 in connection with Jamuguri P.S Case No.82/2022 under Sections 448/376/511 IPC. He also submits that a show cause notice was served to the petitioner on 23.02.2023 and the petitioner has also submitted his written statement on 04.03.2023. He accordingly, submits that the departmental proceeding has already been initiated against the petitioner and the same would be concluded within a short period of time. The learned Standing Counsel, Secondary Education Department, Assam however, submits that the order of suspension dated 31.08.2022 has not been reviewed by the authorities till date.

4. It is already a settled position of law that the currency of a suspension order

should not extent beyond three months if within this period the Memorandum of Charges/Charge Sheet is not served on the delinquent officer/employee. Further, if the Memorandum of Charges/Charge-Sheet is served, a reasoned order must be passed for the extension of the suspension.

5. In the present case, despite issuance of the show cause notice to the petitioner and written statement being made by the petitioner, the respondents have not reviewed the suspension order nor taken any decision whether the suspension period of the petitioner is required to be extended by a reasoned order.

6. In that view of the matter, the suspension order dated 31.08.2022, by which the petitioner has been suspended is interfered with and is set aside. The respondents are directed to forthwith reinstate the petitioner back into service.

7. However, it is made clear that this Court is not interfering with the departmental proceeding that is presently being held against the petitioner.

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

JUDGE

Comparing Assistant