

GAHC010243442024



2024:GAU-AS:11312

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

Case No. : WP(C)/6049/2024

NAVOJIT SARMA AND 6 ORS
S/O- LATE SRI DHIREN SARMA, R/O- HOUSE NO. 24, SATHGAON,
GUWAHATI, KAMRUP(M), ASSAM, PIN- 781027.

2: MOUSUMI HANDIQUE
W/O- SRI ARYAN K SARMA
R/O- HOUSE NO. 51
SRI NAGAR
ZOO ROAD
GUWAHATI
KAMRUP(M)
ASSAM
PIN- 781024.

3: LIZA RANI HAZARIKA
D/O- SRI TANKESWAR HAZARIKA
R/O- HOUSE NO. 70
KHARGHULI
GUWAHATI
KAMRUP(M)
ASSAM
PIN- 781004.

4: HIMASHRI DAS
W/O- SRI GAUTAM HAZARIKA
R/O- HOUSE NO. 24
SUNDARPUR
GUWAHATI
KAMRUP(M)
ASSAM
PIN- 781005.

5: ARUN CH. DEKA
S/O- LATE RITOW RAM DEKA

R/O- NABAGIRI ROAD
NIZARAPAR
CHANDMARI COLONY
GUWAHATI
KAMRUP(M)
ASSAM
PIN- 781003.

6: BONDANA BORA
W/O- SRI BEDANTA RAJBONGSHI
R/O- HOUSE NO. D25
APURBA RESIDENCY
BAGHARBARI
BYE LANE 2
GUWAHATI
KAMRUP(M)
ASSAM
PIN- 781027.

7: JULIET SULTANA AHMED CHOUDHURY
W/O- SR. HABIBAR RAHMAN
R/O- HOUSE NO. 77
DILIP HUZURY PATH
SARUMATARIA
DISPUR
KAMRUP(M)
ASSAM
PIN- 781006

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF SCHOOL EDUCATION,
DISPUR, GUWAHATI-781006.

2:THE MISSION DIRECTOR
SAMAGRA SHIKSHA
ASSAM
KAHILIPARA
GHY-781019.

3:THE DISTRICT MISSION COORDINATOR
SARBA SIKSHA ABHIJAN MISSION
KAMRUP(M)
CHATRIBARI
GHY-781008

Advocate for the Petitioner : MR. A K BARUAH, MR. S HAZARIKA, MR. R A PRAMANIK, MR. H NATH

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

BEFORE

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

O R D E R

20.11.2024

Heard Mr. A.K. Baruah, learned counsel for the petitioners. Also heard Mr. U. Sharma, learned Standing Counsel, Secondary Education Department, Assam for the respondent No. 1 and Mr. S. Bora, learned Standing Counsel, SSA for the respondent Nos. 2 and 3.

2. Pursuant to an advertisement dated 08.12.2021 and Notification dated 07.05.2022, with regard to the selection of candidates as Cluster Resource Centre Co-ordinator (in short CRCC), the District Mission Co-ordinator, SSA, Kamrup (Metro), issued an order dated 07.05.2022, whereby the petitioners were posted in the Clusters mentioned against their names with immediate effect. In terms of the said order, the petitioner No.1 was posted against Cluster Purbanchal, Guwahati Block. The petitioner No.2 was posted against Cluster Sadar-4, Guwahati Block. The petitioner No.3 was posted against Cluster Uzan Bazar, Guwahati Block. The petitioner No.4 was posted against Cluster Rajdhani-6, Guwahati Block. The petitioner No.5 was posted against Cluster Azara-2 & Garal, Guwahati Block. The petitioner No.6 was posted against Cluster Jalukbari-2, Guwahati Block and the petitioner No.7 was posted against Cluster Rajdhani-3, Guwahati Block. Thereafter, the petitioners executed

an agreement with the SSA authorities. In the said agreement, the duty charts with regard to the petitioners were also provided.

3. However, the petitioners were given duties beyond the duty chart provided in the agreement signed by them and therefore, being aggrieved, the petitioners along with 24(twenty four) others, made a representation before the District Mission Co-ordinator, Kamrup (Metro) on 22.10.2024, praying for release from the CRCC and in-charge CRCC duties. On receipt of the said representation dated 22.10.2024, the District Mission Co-ordinator, SSA, Kamrup (Metro), held an urgent meeting on 25.10.2024, wherein the grievances of the petitioners were redressed. Accordingly, as the petitioners were satisfied with the steps taken by the District Mission Co-ordinator, SSA, Kamrup (Metro) in the meeting held on 25.10.2024, they submitted another representation on 25.10.2024 before the District Mission Co-ordinator, Kamrup (Metro), expressing their gratitude and assuring their continued dedication in their work and accordingly, they withdrew their previous representation for release from CRCC duties.

4. However, the Mission Director, SSA, Assam, by an order dated 12.11.2024 and on the basis of the representation made by the petitioners on 22.10.2024, released them from the post/duty of CRCC and in-charge CRCC and directed them to report to their parent schools immediately.

5. It is the case of the petitioners that after the representation made by them on 22.10.2024, the grievances of the petitioners were redressed by the District Mission Co-ordinator, Kamrup (Metro) in its urgent meeting held on 25.10.2024 and accordingly, they have withdrawn their earlier representation dated 22.10.2024 by their representation dated

25.10.2025. It is, therefore, submitted that as the petitioners have already withdrawn their earlier representation dated 22.10.2024 by their representation dated 25.10.2024, the Mission Director, SSA, Assam could not have issued the order dated 12.11.2024, by which the petitioners were released from their respective posts/duties and asked to join to their parent schools.

6. Mr. S. Bora, learned Standing Counsel, SSA, on instructions submits that the District Mission Co-ordinator, Kamrup (Metro) had forwarded the first representation made by the petitioners dated 22.10.2024 before the Mission Director, SSA, Assam. However, the second representation made by the petitioner on 25.10.2024 was not forwarded to the Mission Director, SSA, Assam and accordingly, the Mission Director, SSA, Assam/ respondent No.2 issued the order basing on the application made by the petitioners on 22.10.2024. He, therefore, submits that the petitioners may be directed to file a fresh representation before the Mission Director, SSA, Assam/respondent No.2, who in turn shall take a conscious decision, if such representation is made.

7. After hearing the learned counsel for the parties, this writ petition is accordingly disposed of directing the petitioners before this Court to file a fresh representation before the Mission Director, SSA, Assam/respondent No.2 giving in detail the sequence of events that have taken place after they have made the representation on 22.10.2024. Thereafter, the respondent No.2 shall consider the representation and dispose of the same by a speaking order and in accordance with law within a period of 01(one) week from the date of receipt of such representation.

8. Till the representation is disposed of, the order dated 12.11.2024 shall

remain suspended, in so far as the present petitioners are concerned.

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

JUDGE

Comparing Assistant