

GAHC010265032024



2024:GAU-AS:12901

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

Case No. : WP(C)/6788/2024

SANJAY BHOWMICK
NIGHT WATCHMAN
S/O LATE SANTOSH BHOWMICK, RABINDRANATH BIDYA BHAWAN
(PROVINCIALISED) H.S SCHOOL, PO AND PS THELAMANAR DIST
SONITPUR ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPARTMENT
OF EDUCATION, GOVT OF ASSAM, DISPUR, GUWAHATI 781006

2:THE DIRECTOR
SECONDARY EDUCATION
ASSAM KAHILIPARA GUWAHATI 781019

3:THE INSPECTOR OF SCHOOLS
TEZPUR
DIST SONITPUR
ASSAM 784001

4:THE HEADMASTER
RABINDRANATH BIDYA BHAWAN (PROVINCIALISED) H.S SCHOOL
KATANIGAON
THELAMARA
SONITPUR
ASSAM

Advocate for the Petitioner : MR. B DEB, MR G P BHOWMIK

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

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 18.12.2024

Heard Mr. B. Deb, learned counsel for the petitioner. Also heard Mr. U. Sharma, learned Standing Counsel, Secondary Education Department, for the respondent Nos. 1, 2 & 3.

2. The petitioner claims that he was appointed as a Grade-IV, Night Chowkidar on Ad-hoc/temporary basis at Rabindranath Bidya Bhawan Higher Secondary School, Thelamara, Sonitpur district, Assam to which post he joined on 01st July, 2010. Since then, the petitioner is serving as Grade-IV employee in the said Rabindranath Bidya Bhawan Higher Secondary School till date.

3. The petitioner made a representation on 15.05.2017 before the Inspector of Schools, Tezpur, Sonitpur, Assam praying for engagement in the post of Grade-IV in the Rabindranath Bidya Bhawan Higher Secondary School on regular basis. The said representation was forwarded to the Director of Secondary Education, Assam by the Inspector of Schools, Sonitpur District Circle, Tezpur on 19.03.2019. However, the representation made by the petitioner did not bear any fruit. The petitioner also made an RTI application with regard to the total sanctioned posts of Grade-IV post in the Rabindranath Bidya Bhawan Higher Secondary School. The same was replied by a Communication dated NIL by the Inspector of Schools, Sonitpur District Circle, Tezpur wherein it is stated that the total sanctioned posts of Grade-IV is 3 (three) and the number of post filled up is 2 (two) and 1 (one) post is still lying vacant. Thereafter, the petitioner again

made a representation to the Director of Secondary Education, Assam on 05.11.2024 through the Inspector of Schools, Sonitpur District Circle, Tezpur praying for regularization against the said sanctioned post which is lying vacant. However, as the representation of the petitioner is yet to be considered, the petitioner has approached this Court by way of the present writ petition.

4. After hearing the learned counsel for the parties, this writ petition is disposed of directing the petitioner to file a fresh representation before the Director of Secondary Education, Assam through the Inspector of Schools, Sonitpur District Circle, Tezpur within a period of 2 (two) weeks from today. Thereafter, the representation made by the petitioner shall be forthwith forwarded to the Director of Secondary Education, Assam/respondent No. 2 by the Inspector of Schools, Sonitpur District Circle, Tezpur.

5. On receipt of the representation, the respondent No. 2 shall consider and dispose of the same by a speaking order and in accordance with law within a period of 1 (one) month from the date of receipt of the representation.

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

JUDGE

Comparing Assistant