

GAHC010266262023



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

Case No. : WP(C)/6853/2023

MUBARAQUE HUSSAIN
S/O- SULTAN MAMUD, RESIDENT OF VILLAGE- JARATHANI, P.O. AND P.S.
RUPAHI, DIST.- NAGAON, ASSAM, PIN- 782125

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, ELEMENTARY EDUCATION DEPARTMENT, DISPUR,
GUWAHATI-6, DISTRICT- KAMRUP (METRO), ASSAM

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019

3:THE DEPUTY DIRECTOR AND INQUIRY OFFICER
ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019

4:THE DEPUTY COMMISSIONER
NAGAON
P.O. AND DISTRICT- NAGAON
ASSAM
PIN- 782001

5:THE ADDL. DEPUTY COMMISSIONER (EDUCATION)
NAGAON
P.O. AND DISTRICT- NAGAON
ASSAM

PIN- 782001

6:THE BLOCK ELEMENTARY EDUCATION OFFICER
RUPAHI
DISTRICT- NAGAON
ASSAM
PIN- 782125

7:THE SUB-INSPECTOR OF SCHOOLS
RUPAHI
NAGAON
ASSAM
PIN- 782125

8:THE PRESIDENT OF SCHOOL MANAGEMENT COMMITTEE
PUTHIKHAITY M.E. SCHOOL
P.O. KAOIMARI
DIST.- NAGAON
ASSAM
PIN- 78214

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA
ORDER**

04.03.2024

Heard Mr. N.J. Dutta, learned counsel for the petitioner. Also heard Mr. G. Pegu, learned Standing Counsel, Elementary Education.

As per last order dated 29.01.2024, the submission of the learned Standing Counsel, Elementary was recorded that the petitioner has been reinstated in his original place of posting with stoppage of one increment with cumulative effect provided that next senior most Assistant Teacher is allowed to act as In-charge Head Master in place of the petitioner.

Today when the matter is called up, Mr. Dutta, learned counsel for the petitioner submits that pursuant to the order dated 24.01.2024 stated to have

been passed by the Director, Elementary Education, besides a copy of the said order not being served on the petitioner, the petitioner has also not been allowed to join in his original place of posting. Mr. Dutta has placed the copy of the order which he has received from the learned Standing Counsel, Elementary Department in Court today and has placed it before the Court.

Mr. Pegu, learned Standing Counsel, Elementary Education does not dispute that this order dated 24.01.2024 issued by the Director, Elementary Education, Assam has been issued permitting the petitioner to join in his original place of posting. It is also submitted that the next senior most Assistant Teacher is allowed to act as In-charge Head Master in place of the petitioner.

Considering the submissions of the petitioner, it is ordered that the petitioner be permitted to join in his place of posting in terms of the order dated 24.01.2024. The submission of the Standing Counsel is also recorded that the next Senior most Assistant Teacher is currently holding charges In-charge Head Master.

Under such circumstances, the In-charge Head Master shall permit the petitioner to join in his original place of posting as Assistant Teacher in Puthikaity ME School under BEEO, Rupahi, Nagaon. The Department will also issue consequential orders directing in-charge Head Master to permit the petitioner to join in his place of posting pursuant to the order dated 24.01.2024.

In view of the above direction, the writ petition stands closed.

Copy of this order dated 24.01.2024 is retained in the case record.

The writ petition is disposed of in terms of the above.

JUDGE

Comparing Assistant