

GAHC010271572024



2024:GAU-AS:12947

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

Case No. : WP(C)/6794/2024

KRISHNENDU NATH
S/O- LATE KSHIROD CH. NATH,
R/O- SUBHASH NAGAR, WARD NO- 15, NEAR PWD COLONY, DIST-
KARIMGANJ, PIN-788710

VERSUS

STATE OF ASSAM AND 6 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GUWAHATI-06

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

3:THE MISSION DIRECTOR
AXOM SARBA SIKSHA ABHIYAN
KAHILIPARA
GUWAHATI-19

4:THE DISTRICT COMMISSIONER CUM CHAIRMAN
DIST- KARIMGANJ
PIN-788710
ASSAM

5:THE ADDL. DISTRICT COMMISSIONER
AND DISTRICT MISSION COORDINATOR
SSA
DIST- KARIMGANJ
PIN-788710
ASSAM

6:THE DISTRICT PROJECT ENGINEER
SSA
DIST- KARIMGANJ
PIN-788710
ASSAM

7:KALYAN PAUL
S/O- LATE KRIPESH PAUL
P.O- KANISHAIL
DIST- KARIMGANJ
PIN-788711
ASSAM

Advocate for the Petitioner : MR. S SAHU, MR N BARUAH,S SHAHI,MS A ROY

Advocate for the Respondent : SC, ELEM. EDU, GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 19.12.2024

1. Heard Mr. S. Sahu, learned counsel for the petitioner. Also heard Ms. S. Chutia, learned standing counsel, Elementary Education Department, for the respondent Nos. 1 & 2 and Mr. S. Bora, learned standing counsel, SSA for the respondent Nos. 3, 4 & 5.

2. While the petitioner was working as a Junior Engineer under Ramkrishna Nagar Block within the Axom Sarba Siksha Abhijan Mission, Karimganj, the District Commissioner-cum-Chairman, Sribhumi District/Respondent No. 4 passed an order on 09.12.2024, by which the petitioner was entrusted to look after the matters related to civil works under North Karimganj Block and the respondent No. 7 was entrusted to look after the civil works with regard to Ramkrishna Nagar Block. The case of the petitioner is that the District

Commissioner-cum-Chairman, Sribhumi district does not have the jurisdiction to pass the order inasmuch as the respondent No. 3/Mission Director, SSA had already issued an order on 11.06.2024 pursuant to the Resolution of the 15th Executive Committee Meeting, which was held on 04.05.2024, which was also subsequently approved by the Government of Assam, Department of School Education that the Mission Director, SSA is the Engaging/Controlling Authority and Disciplinary Authority for the posts of Electronic Data Processor of District and Block, Junior Engineer, Resource Person and LDA-cum-Accountant & Block Accountant. Learned counsel for the petitioner, therefore, submits that as the petitioner is holding the post of Junior Engineer and in view of the Order dated 11.06.2024, the Respondent No. 4 has no jurisdiction to issue the Order dated 09.12.2024. Being aggrieved, the present writ petition.

3. After hearing the learned counsel for the parties, this writ petition is disposed of directing the petitioner to file a representation before the Mission Director, SSA/Respondent No. 3 within a period of 1 (one) week from today. Thereafter, on receipt of the representation of the petitioner, the Respondent No. 3 shall consider and dispose of the same by a speaking order and in accordance with law within a period of 2 (two) weeks thereafter.

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

JUDGE

Comparing Assistant