

GAHC010272532024



2024:GAU-AS:12982

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

Case No. : WP(C)/6815/2024

ASWINI DAS
S/O LATE CHANDRA KANTA DAS,
I.C PRINCIPAL OF L.N BEZBARUAH HIGHER SECONDARY SCHOOL,
BHOTEPOWABARI, BAKSA, RESIDENT OF VILLAGE BAGHMARA, PO
BAGHMARA BAZAR, PS PATACHARKUCHI, DIST BAJALI, ASSAM 781328

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION DISPUR GUWAHATI 781006

2:THE SECRETARY
EDUCATION DEPARTMENT
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
783370

3:THE DIRECTOR OF EDUCATION
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
783370

4:THE INSPECTOR OF SCHOOLS
BAKSA DISTRICT CIRCLE
MUSHALPUR
ASSAM 781372

5:THE TREASURY OFFICER
MUSHALPUR DISTRICT BAKSA
ASSAM 78134

Advocate for the Petitioner : MR D J HALOI, MR N SARMA,G BORO,R BARMAN,MR. S A HUSSAIN

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

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 19.12.2024

Heard Mr. N. Sarma, learned counsel for the petitioner. Also heard Mr. S. M. T. Chistie, learned Standing Counsel, Secondary Education Department, Assam, for the respondent No. 1; Mr. P. Nayak, learned Standing Counsel, BTC, for the respondent Nos. 2, 3 & 4; Ms. R. M. Baruah, learned Standing Counsel, Finance Department, for the respondent No. 5.

The petitioner is aggrieved with the Order dated 04.12.2024 issued by the Director of Education, Bodoland Territorial Council by which the petitioner has been placed under suspension with immediate effect due to his serious negligence of duty causing delay of drawal of final GPF amount of a retired teacher.

It is the case of the petitioner that one Shri Bipul Chandra Nath, Assistant Teacher retired from service on 31.03.2023 from the L. N. Bezbaruah Higher Secondary School, Bhotepowabari on attaining the age of superannuation. Thereafter, the petitioner received a show cause notice on 02.09.2024, issued by the Inspector of Schools, BDC, Mushalpur stating that the said Shri Bipul Chandra Nath had lodged a complaint on 23.08.2024 against the petitioner alleging negligence towards delay with regard to his GPF amount and accordingly, the petitioner was directed to submit written report on or before 4th

of September, 2024. The petitioner accordingly replied to the show cause notice dated 02.09.2024 on 09.09.2024.

It is the case of the petitioner that after the retirement of said Shri Bipul Chandra Nath, he had processed all his pension papers. Upon receipt of the pension papers, the Office of the Accountant General (A&E) Assam issued one communication for release of the GPF benefits to the said Shri Bipul Chandra Nath. However, due to inadvertence, the said letter was misplaced and accordingly, the petitioner on 28.08.2024 wrote to the Accountant General, (A&E) Assam requesting to re-issue the final withdrawal order copy against the GPF account number of the said Shri Bipul Chandra Nath. Thereafter, the said Shri Bipul Chandra Nath received all the GPF amount on 29.09.2024 which was sanctioned on 19th of September, 2024 by the Office of the Principal Accountant General (A&E), Assam. However, the impugned order dated 4th of December, 2024 was issued by the Director of Education, BTC, suspending the petitioner with immediate effect.

The learned counsel for the petitioner submits that the petitioner would retire in the year 2026 and the misplacing of the final payment order with regard to the GPF amount of the said Shri Bipul Chandra Nath was due to inadvertence on the part of the petitioner and the same was not deliberate. Further, the said Shri Bipul Chandra Nath has already received his GPF amount and therefore, there was no necessity on the part of the respondents to suspend the petitioner by the order dated 4th of December, 2024. It is also submitted that the petitioner has filed an appeal before the Director of Education, BTC, Kokrajhar on 16.12.2024 and a copy of which was also endorsed to the Secretary, Department of School, BTC, Kokrajhar.

After hearing the learned counsel for the parties and considering that the appeal filed by the petitioner on 16.12.2024 is still pending before the Director of Education, BTC, Kokrajhar/respondent No.3, this writ petition is disposed of directing the respondent No.3 to consider and dispose of the appeal filed by the petitioner on 06.12.2024 by a speaking order and in accordance with law within a period of 1(one)month from the date of receipt of a copy of the order of this Court.

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

JUDGE

Comparing Assistant