

GAHC010272652023



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

Case No. : WP(C)/7043/2023

LATA BALA DEKA
W/O- LATE JUGAL CH. DEKA, VILLAGE- NO. 2 MAZGAON, DAKCHOKI, P.O.
AND P.S. DHULA, DIST.- DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF ASSAM, EDUCATION (ELEMENTARY) DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE DIRECTOR OF ELEMENTARY EDUCATION DEPARTMENT
ASSAM
KAHILIPARA
GAUHATI-19

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
KAMRUP (M)
GUWAHATI
ASSAM

4:THE DISTRICT ELEMENTAY EDUCATION OFFICER
DARRANG
MANGALDOI
ASSAM
PIN- 784125

5:THE HEAD MASTER OF K.T.R. MEMORIAL M.E. SCHOOL
DIMORIA
KAMRUP (M)
ASSAM

6:THE HEAD MASTER OF BIDYANIKETON M.E. SCHOOL
MONGALDOI
DARANG
ASSA

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

09.01.2024

Heard Mr. A.M. Barbhuiya, learned counsel for the petitioner. Also heard Mr. P.N. Sharma, learned Standing Counsel, Education (Elementary) Department.

This writ petition is filed by the petitioner who is aggrieved by non-consideration of a representation filed by her ventilating her grievances for being transferred in a Grade-IV post in Bidyaniketan M.E. School, Mangaldai, Darrang. The petitioner was appointed on compassionate ground as a Grade-IV employee and she was recommended for appointment against the vacant post to the said Bidyaniketan M.E. School, Mangaldai, Darrang. This recommendation was duly accepted by the State Level Committee. However, the petitioner is aggrieved by the fact that while the appointment order dated 20.08.2021 was issued appointing the petitioner, she was placed in a Grade-IV post at KTR Memorial M.E. School, Amsing, Jorabat under Dimoria Block, Kamrup (M). It is submitted by the learned

counsel for the petitioner that otherwise the petitioner has no difficulty in rendering her services in the school. However, from her place of residence, she has to travel almost 100 KM. This requires her to take an arduous journey of 100 kilometers each way putting her into great difficulty. The petitioner is a widow and has a daughter who is residing with her. Because of the distance which she has to undertake every day, it has caused immense hardship to maintain the well being of her only daughter who is required to be left alone while she goes to attend her duties.

Learned counsel for the petitioner further submits that the petitioner had preferred a representation dated 30.09.2023 before the Director of Elementary Education, Assam by ventilating her grievances. Since the representation was not adequately addressed, the petitioner had approached this Court by filing WP(C) No.7537/2022. However, this Court by order dated 24.01.2023 had permitted the petitioner to withdraw the said writ petition as the petitioner was under impression that she would be transferred to the school of her choice by the Department. However, after withdrawal of the writ petition also, the representation remained pending and no specific order is passed till date. Being aggrieved, the present writ petition has been filed.

On 11.12.2023 this Court had granted opportunity to Mr. P. N. Sharma, learned Standing Counsel, Education (Elementary) Department to obtain

instructions.

Today Mr. P.N. Sharma, learned Standing Counsel, Education (Elementary) Department, has placed before the Court a communication dated 08.01.2024 received from the Director of Elementary Education. From a perusal of the same it is evident that the Director of Elementary Education has forwarded the representation of the petitioner to the Secretary, Government of Assam, Department of School Education and the said representation is presently pending before the Secretary, Government of Assam, Department of School Education for disposal.

Having heard the learned counsel for the parties and upon perusal of the pleadings on record, this Court is of the considered view that the only prayer made in the writ petition is for disposal of the representation preferred by the petitioner seeking transfer to the Grade-IV post in Bidyaniketan M.E. School, Mangaldai, Darrang, which is her home district, from the present place of posting which is KTR Memorial M.E. School, Amsing, Jorabat under Dimoria Block, Kamrup (M). The reasons seeking for the transfer are clearly mentioned in the representation dated 30.09.2022.

Accordingly, the writ petition stands disposed of with a specific direction to the Secretary to the Government of Assam, Department of School Education to expeditiously consider and dispose of the representation dated 30.09.2022 stated

to have been filed before the Director of Elementary Education, which has already been forwarded by the Director of Elementary Education to the Secretary, Government of Assam, Department of School Education vide communication dated 08.01.2023. The Secretary, Government of Assam, Department of School Education will dispose of the said representation within a period of 30 (thirty) days from the date of receipt of a certified copy of this order, which will be furnished by the petitioner along with a copy of the writ petition. While disposing of the said representation the Secretary, Government of Assam, Department of School Education will sympathetically consider the hardship stated to have been faced by the petitioner and if upon verification, it is found that the statements made by the petitioner in the representation are correct then the Secretary will pass necessary orders to ameliorate the grievances of the petitioner provided such a vacant post is available in the place where the petitioner seeks her transfer.

In terms of the above, the writ petition stands disposed of.

JUDGE

Comparing Assistant