

GAHC010275122023



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

Case No. : WP(C)/7188/2023

PALLAB DAS
S/O- PRANAB KUMAR DAS @ NANTU, R/O- VILL. KUDALI, P.S. RATABARI,
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
TO BE REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF
ASSAM, DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI-06

2:THE DIRECTOR
ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
HAILAKANDI
ASSAM
PIN- 788155

4:THE BLOCK ELEMENTARY EDUCATION OFFICER
KATLICHERRA
DIST.- HAILAKANDI
ASSAM
PIN- 78815

Advocate for the Petitioner : MR. M H LASKAR

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

30.01.2024

Heard Mr. M.H. Laskar, learned counsel for the petitioner. Also heard Mr. P.N. Sharma, learned Standing Counsel, Elementary Education Department.

2] This writ petition is filed by the petitioner being aggrieved by the order dated 19.06.2023 whereby the petitioner was placed under suspension under Rule 6 (1) of the Disciplinary and Appeal Rules of 1964 as the petitioner was reported to have been arrested and that he had remained in judicial custody for more than 48 hours. The petitioner was allowed to draw subsistence allowance as admissible under the Rules. Learned counsel for the petitioner submits that although the petitioner was suspended with effect from 18.06.2023, however, as required under the provisions of law, there was no review of his suspension and in terms of the principle of law laid down by the Apex Court in *Ajoy Kumar Choudhury vs. Union of India* reported in (2015) 7 SCC 291 and followed in several judgments rendered by this High Court, the suspension order was required to be interfered with.

3] Earlier on 19.01.2024 the learned Standing Counsel, Elementary Education Department was permitted time to obtain required instructions in the matter.

4] Today when the matter was called up, Mr. P.N. Sharma, learned Standing Counsel, Elementary Education Department has placed before the Court an order

dated 28.01.2024 passed by the Director, Elementary Education Department, whereby the petitioner was reinstated in service with immediate effect pending drawal of the departmental proceedings.

5] In that view of the matter, the grievance of the petitioner that the petitioner is not reinstated to his service due to his suspension is no longer present.

6] Accordingly, in view of the order passed by the Director, Elementary Education Department on 28.01.2024 reinstating the petitioner with immediate effect in his original place of posting, the writ petition stands closed as not pressed.

7] A copy of this order dated 28.01.2024 passed by the Director, Elementary Education Department is retained in the case records.

8] It is, however, made clear that any pending dues payable to the petitioner should be released by the Department forthwith as per the provisions of law.

9] The writ petition stands disposed of in terms of the above.

JUDGE

Comparing Assistant