GAHC010050882020

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

Case No. : WP(C)/1646/2020

CHANDRABABU SARMA
S/O- LT. KAMDEV SARMA, SENIOR MOST ASSTT. TEACHER, B.SC., M.A., B.ED., PADUM PUKHURI, HIGH SCHOOL, PO PADUM PUKHURI, PS AND DIST- HOJAI, ASSAM, PIN- 782435.

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION (SECONDARY) DEPTT., DISPUR, GHY.-06

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM

3:THE INSPECTOR OF SCHOOLS
NDC

4:THE CHAIRMAN

5:AJIT KUMAR NAT

Advocate for the Petitioner : MR. A K DUTTA

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 20-11-2020

Heard Mr. B Purkayastha, learned counsel for the petitioner. Also heard Mr. R Mazumdar, learned counsel for the Secondary Education Department of the Government of Assam

2. The petitioner who is an Assistant Teacher at Padum Pukhuri High School, Nagaon and was also allowed to be the in-charge Headmaster of the school is aggrieved by the recommendation of the State Selection Board in respect of appointment as the regular Headmaster made vide the communication dated 19.11.2019 inasmuch as the respondent No.5 was recommended for the post of regular Headmaster. According to the petitioner, he is senior to respondent No.5 and, therefore, an interference is required in the recommendation of the State Selection Board in favour of the petitioner.

3. Mr. R Mazumdar, learned counsel for the Secondary Education Department by referring to the Rules states that the Rules that were prevailing when the recommendation was made provides for the criteria of seniority with satisfactory ACR for promotion as Headmaster.

4. No statement has been made by the petitioner as regards his satisfactory ACR so as to claim the benefit of being the senior in the school pursuant to the criteria for promotion as provided in the Rules.

5. Mr. R Mazumdar, learned counsel for the Department states that the petitioner was the in-charge Headmaster of the school for a sufficiently longer time and it is he who writes the ACR of the other teachers of the school. Secondly, the ACR of the petitioner would be available in the Office of the Inspector of Schools Nagaon and to urge upon the criteria of seniority with a satisfactory ACR, if the petitioner is unaware of the contents of his ACR, we require the petitioner to approach the Office of the Inspector of Schools, Nagaon who shall allow the petitioner to inspect his ACR. If the petitioner can obtain the information that his ACR was a satisfactory ACR and, therefore, he meets the eligibility criteria for promotion under the Rules, the petitioner would be at liberty to approach the Court again to assail the promotion and the appointment of respondent No.5.

6. We have taken note of that the petitioner is enjoying a status-quo order of this Court since 04.03.2020 and it is for that reason the respondent No.5 has not been appointed as yet.

7. With the above requirement, the writ petition stands closed.

8. Interim order passed earlier stands vacated.

9. The Inspector of Schools, Nagaon shall immediately allow the petitioner to inspect his ACR as and when the petitioner approaches with an application pursuant to this order.

JUDGE

Comparing Assistant