GAHC010171772020

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

Case No. : Cont.Cas(C)/576/2020

DR. LAWANU BORDOLOI
W/O- AMIO MADHAN HAZARIKA, R/O- VILL.- KALIBARI PATH,
DIMORUGURI, DIST.- NAGAON, ASSAM.

VERSUS

PRITOM SAIKIA
THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
ELEMENTARY EDUCATION DEPARTMENT, DISPUR, GUWAHATI- 781006,
DIST.- KAMRUP(M), ASSAM.

Advocate for the Petitioner : MR. S Ali

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 09-12-2020

Heard Mr. S Ali, learned counsel for the petitioner.

The petitioner Dr. Lawanu Bordoloi had a dispute with one Smti. Tulumoni Devi as to who between the two is to be the Principal In-Charge of Nagaon Sikshan Mahavidyalaya. The dispute between the parties was raised in WP(C)No.5682/2019, wherein in a related interlocutory application being IA(C)3703/2019 an order dated 28.11.2019 was passed requiring the Commissioner and

Secretary to the Government of Assam, Elementary Education Department to re-look into the matter of eligibility of the petitioner *vis-à-vis* the other person namely, Smti Tulumoni Devi as regards who between them should hold the post of Principal In-Charge of Nagaon Sikshan Mahavidyalaya. The order also required that an opportunity of personal hearing be given to both the petitioner and Smti Tulumoni Devi. Consequent thereto by the representation dated 05.12.2019, the petitioner Dr. Lawanu Bordoloi requested the Commissioner and Secretary to give the necessary hearing and pass the required order as provided in the order dated 28.11.2019 in IA(C)3703/2019 in WP(C)No.5682/2019.

This contempt petition is instituted by raising the assertion that the Commissioner and Secretary has not done the needful as required by the order dated 28.11.2019 in IA(C)3703/2019 in WP(C)No.5682/2019, inspite of the order of the Court being brought to the notice of the Commissioner and Secretary.

Considering the nature of the allegation and the grievance raised, instead of issuing notice of contempt on the respondents, interest of justice would be better served, if a consequential direction is issued to the Commissioner and Secretary to comply with the direction given in the order dated 28.11.2019 in IA(C)3703/2019 in WP(C)No.5682/2019 and after giving a hearing to the petitioner, Dr. Lawanu Bordoloi and Smti Tulumoni Devi to pass a reasoned order as regards who between the two would be better eligible to hold the post of Principal In-Charge of Nagaon Sikshan Mahavidyalaya.

As we are issuing this direction under the contempt jurisdiction, we direct the Commissioner and Secretary to do the needful within a period of 1(one) month from the date of receipt of a certified copy of this order.

It is provided that if the Commissioner and Secretary to the Government of Assam in the Elementary Education Department do not do the needful, a more sterner view as regards willful and deliberate violation of the Court's order would be taken.

Contempt petition stands closed in the above terms.

JUDGE

Comparing Assistant