GAHC010188382019

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

Case No. : WP(C)/5723/2019

PH. RUTH JOAN SINGHA
W/O PH. MANIDHON SINGHA, MAJOR (RETD.) R/O VILL. LALANG, PT. I, P.O. PAILAPOOL, P.S. LAKHIMPUR, DIST. CACHAR, ASSAM, PIN- 788098
AND MEMBER OF THE BONAFIDE MANAGEMENT COMMITTEE, EMMANUEL ENGLISH HIGHER SECONDARY SCHOOL, PAILAPOOL, P.O. PAILAPOOL, P.S LAKHIMPUR, DIST. CACHAR, ASSAM, PIN-788098

VERSUS

THE STATE OF ASSAM AND 9 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. ASSAM, DEPTT. OF EDUCATION (ELEMENTARY), DISPUR, GUWAHATI-6

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE DEPUTY COMMISSIONER
CACHAR
SILCHAR

4:THE ADDL. DEPUTY COMMISSIONER (EDUCATION)
CACHAR
SILCHAR

5:THE SDO(C) CUM ADC CUM ASSISTANT SETTLEMENT OFFICER
LAKHIMPUR REVENUE CIRCLE
CACHAR
ASSAM

6:THE ASSISTANT COMMISSIONER

LAKHIPUR
CACHAR
ASSAM

7:THE INSPECTOR OF SCHOOL
SILCHAR

8:URIREI SINGH
W/O MR. N.GOBIN SINGH
R/O VILL. NAYAGRAM
P.O. FULERTAL
P.S. LAKHIPUR
DIST. CACHAR
ASSAM

9:GOBIN SING
S/O LT. N. NODIACHAND SINGH
R/O VILL. NAYAGRAM
P.O. FULERTAL
P.S. LAKHIPUR
DIST. CACHAR
ASSAM

10:HAZEL SHANKAR
W/O MR. SHANKAR RAMAMURTHY
R/O VILL. NAYAGRAM
P.O. FULERTAL
P.S. LAKHIPUR
DIST. CACHAR
ASSA

Advocate for the Petitioner : MR. D CHAKRABARTY
Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

Date : 03-12-2020

JUDGMENT & ORDER (ORAL)

Heard Mr. D Chakrabarty, learned counsel for the petitioner, Mr. SP Choudhury, learned counsel for the respondent Nos. 8, 9 and 10 as well as Mr. R Mazumdar, learned counsel for the Secondary Education Department of the Government of Assam.

2. By this writ petition, the petitioner raises a grievance that although she was duly appointed as the Vice Principal of Emmanuel English Higher Secondary School, Paliapool in the Cachar district, there is a verbal order of the respondent No.8 being the Principal cum Director of the School that the petitioner would not continue as the Vice Principal, meaning thereby that the petitioner would stand demoted from the post of Vice Principal. It being a matter between the petitioner and the school authorities, where the Secondary Education Department is a necessary respondent inasmuch as the school is covered under the Assam Non Government Educational Institutions (Regulation and Management) Act, 2006, but at the same time, we do not find any relevance of the Deputy Commissioner, Cachar, SDO(Civil), Lakhipur and Assistant Commissioner, Lakhipur to be arrayed as respondents in this writ petition. Consequently, the array of the said respondents stand deleted.

3. Mr. SP Choudhury, learned counsel for the respondent Nos. 8, 9 and 10 refers to an undated communication of the respondent No.8, which is annexed as Annexure-B page 18 to the writ petition, addressed to all the Managing Committee members of the school, which communicates the minutes of the meeting of the Managing Committee held on 20.01.2014. One of the resolutions of the minutes of the Managing Committee of 20.01.2014 is as extracted:-

> *"1. Mrs. Ph. Ruth Joan Singh – Vice Principal with immediate effect till 31st December, 2016."*

By referring to the said communication, Mr. SP Choudhury, learned counsel raises a contention that the appointed tenure of the petitioner as the Vice Principal was for a period of two years up to 31.12.2016 and therefore, she has no further right to continue as the Vice Principal.

4. Mr. D Chakrabarty, learned counsel for the petitioner on the other hand refers to another communication dated 30.11.2016 of the Managing Committee of the Emmanuel English Higher Secondary School, which provides that with reference to the Managing Committee resolution of 20.01.2017 that the petitioner who was earlier appointed as the Vice Principal up to 31.12.2016 would continue until further changes.

5. We have also taken note of the factual aspect of the matter that although the initial resolution was to appoint the petitioner up to 31.12.2016, but in fact, the petitioner was allowed to continue as the Vice Principal of the School by the respondent Nos. 8, 9 and 10 without any objection. With regard to the allegation that the petitioner has been removed from the post of Vice Principal of the Emmanuel English Higher Secondary School by the verbal order of the respondent No.8, Mr. SP Choudhury, learned counsel has made a statement that there is no such verbal order.

6. We take note of such statement of the learned counsel and understand that there is no such verbal order removing the petitioner from the post of Vice Principal of the concerned school. As the entire writ petition is based on the allegation that she had been removed on a vernal order and as there is a statement that there is no such verbal order, we accept the situation that the petitioner is still continuing as the Vice Principal of the Emmanuel English Higher Secondary School. However, the aforesaid observation by the Court shall not be a bar on the part of the respondent Nos. 8, 9 and 10 to decide amongst themselves as per law as to whether the petitioner would further continue as the Vice Principal or whether the school authorities desire to make any further order.

7. In view of the declaration, the interim order has no further effect, but the declaration remains that as on today the petitioner is the Vice Principal of the School, subject to any further order that may be passed.

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

JUDGE

Comparing Assistant