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

Case No. : WP(C)/672/2026

SHRI AJIT KR BORGAYARI
SON OF LATE MAJID BARGAYARI,
RESIDENT OF VILLAGE NO. 24, CHAPAGURI, P.O-CHAPAGURI, P.S-
DHALIGAON, DISTRICT-CHIRANG, ASSAM, PIN-783380

VERSUS

THE STATE OF ASSAM
REPRESENTED BY ITS COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,

TRANSFORMATION AND DEVELOPMENT, DIRECTORATE OF ECONOMICS
AND STATISTICS, DISPUR, GUWAHATI-781006

2:THE DIRECTOR
OF ECONOMICS AND STATITISTICS
ASSAM
BELTOLA
GUWAHATI-28

3:THE DEPUTY DIRECTOR
OF ECONOMICS AND STATITISTICS
ASSAM
BARPETA
GUWAHATI-28

4:THE DEPUTY DIRECTOR
OF ECONOMICS AND STATITISTICS
ASSAM
NALBARI

5:THE DEPUTY DIRECTOR
OF ECONOMICS AND STATITISTICS
ASSAM
DARRANG

6:THE TREASURY OFFICE
BARPETA
ASSAM

7:ABDUL KADER
SR. ASSISTANT
O/O THE DEPUTY DIRECTOR OF ECONOMICS AND STATITISTICS
ASSAM
NALBAR

Advocate for the Petitioner : N O POMONG, MR B SINHA,MR. N BORUAH

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

10.02.2026

Heard Mr. B. Sinha, learned counsel for the petitioner, and heard Mr. A. Chakraborty learned Government Advocate.

The writ petition has been filed by the petitioner putting a challenge to the transfer of the petitioner by order dated 02.02.2026, whereby the petitioner has been transferred and posted to the office of DDES, Darrang in the same capacity. The petitioner is working as senior assistant in the office of Deputy Director of Economics & Statistics at Barpeta. The learned counsel for the petitioner submits that by order dated 08.01.2024 the petitioner was transferred from Bongaigaon to Barpeta. He also submits that as per office memorandum dated 04.02.2022 transfer and posting should not be taken before completion of 3 years. Thereafter, the Deputy Director of Economics & Statistics authorities is

required to strictly comply with the Office Memorandum issued by Commissioner & Secretary to the Govt. of Assam, Personnel Department. However, as per the Office Memorandum transfer has to be made only upon completion of three years. Therefore, contrary to the Office Memorandum dated 04.02.2022 petitioner was transferred from his earlier place of posting at Barpeta to his present place of posting i.e. Darrang before completion of 3 years. That apart, the petitioner's son is appearing for the High School Leaving Examination which commenced from today and also the petitioner's wife is suffering from ailments which require constant medical care and supervision. Under such circumstances the learned counsel for the petitioner submits that the impugned transfer order has been issued for reasons which are not bona fide and not in public interest. Accordingly, the present writ petition has been filed.

The matter was listed yesterday on which date the learned State Counsel was permitted to obtain instructions as to whether the reliever of the petitioner has joined in his place of posting and the matter was fixed today. The learned State Counsel has placed before the Court that the instructions and submissions as per the release order and the joining report, the private respondent has joined in his place of posting on 30.01.2026. The learned State Counsel therefore submits that the petitioner should comply with the order. No interim order at this stage is called for.

Having heard learned counsel for parties and upon perusal of the writ petition available on record it is seen that the petitioner was earlier transferred and posted from Bongaigaon to Borpeta by order dated 08.01.2024. Thereafter by the impugned order dated 02.02.2026 he is again transferred to a new place of posting which is at Darrang. It is also submitted by the petitioner that he would retire from service on 28.02.2027 on attaining his age of superannuation.

The petitioner's son is appearing for High School Leaving Examination, which is commencing from today and further his wife is also stated to be ailing and requires consistent medical care. Under such circumstances this Court is of the view that ends of justice will be met in the writ petition is disposed of by permitting the petitioner to file a representation before the Representation No. 2, namely the Director of Economics and Statistics ventilating his grievances in respect of the transfer, and thereafter within 3 days from today the authorities will consider the application and call for additional information if so required, and thereafter pass a reason speaking order within a period of 15 days from the date of receipt of the application which the petitioner has been proposed to file.

In view of the above direction, this writ petition is disposed of at this stage without issuance of notice.

JUDGE

Comparing Assistant