

GAHC010049802023



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

**Case No. : WP(C)/1321/2023**

AZHARUL ISLAM  
S/O- LATE MOMTAZ ALI AHMED,  
VILL- PORAVITA BAZAR,  
P.O- JAMADARHAT,  
DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS  
THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,  
EDUCATION DEPARTMENT (ELEMENTARY)  
DISPUR, GHY-6.

2:THE COMMISSIONER AND SECRETARYX  
TO THE GOVT. OF ASSAM  
FINANCE DEPARTMENT  
DISPUR  
GHY-6.

3:THE AXOM SARBA SIKSHA ABHIJAN MISSION  
ASSAM  
TO BE REP. BY THE MISSION DIRECTOR  
KAHILIPARA  
GUWAHATI-19

4:THE DISTRICT MISSION-COORDINATOR  
SSA  
DHUBRI  
ASSAM  
TO BE REP. BY THE DISTRICT MISSION COORDINATO

**Advocate for the Petitioner** : MR. A R BHUYAN

**Advocate for the Respondent** : SC, ELEM. EDU

BEFORE

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

**ORDER**

**10-03-2023**

Heard Mr. A. R. Bhuyan, learned counsel for the petitioner and Mr. P. Bora, learned Standing Counsel, Department of School Education for the respondent No. 1. Also heard Mr. P. Nayak, learned Standing Counsel, Finance Department for the respondent No.2 as well as Mr. B. Choudhury, learned Standing Counsel, SSA, Assam for the respondent Nos. 3 and 4.

Petitioner is serving as a District Programme Officer (ST), Dhubri under the SSA, Assam on contractual basis.

While he was serving as a District Programme Officer (ST), Dhubri, on the basis of an FIR lodged by one Education Volunteer in Anti Corruption Bureau (ACB) P.S. Case No.33/2022, he was arrested on 27.08.2022 under Section 7 (a) of the Prevention of Corruption Act, 1988 in a trap case and later he was released on bail by learned Special Court on 21.09.2022 with certain conditions.

The respondent SSA on 16.09.2022 issued show-cause notice to the petitioner to which he filed his reply on 23.09.2022.

Though he is still under suspension, but the respondent authorities in the SSA are yet to provide him with subsistence allowance during his suspension period.

Hence, this writ petition by the petitioner praying amongst others to set aside the show-cause notice dated 16.09.2022 and to allow him to join and continue as a District Programme Officer (ST) at Dhubri.

From the Annexures appended in the present writ petition preferred by the petitioner, it is seen that the respondent SSA by communication dated 06.10.2022 directed the petitioner to appear before the authorities of the SSA, Assam on 11.10.2022 for hearing.

Considering the above, list this matter on **21.03.2023** enabling the respondent SSA, Assam to apprise the Court about the present status of the hearing of the petitioner pertaining to his arrest in connection with ACB P.S. Case No.33/2022 as well as the show-cause notice dated 16.09.2022 issued to him by the respondent SSA, Assam.

On the said date, the respondent SSA shall also apprise the Court as to whether the petitioner has been paid any subsistence allowance during his suspension period or not as per his entitlement.

**JUDGE**

**Comparing Assistant**