

GAHC010050172026



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

Case No. : WP(C)/1453/2026

DIPANJU SHARMA
W/O SANJIB SARMA BHARADWAJ, R/O R.G. BARUAH ROAD, MILAN PATH,
GUWAHATI P.O .ZOO ROAD TINIALI, P.S. GEETA NAGAR, DIST. KAMRUP
(M), ASSAM, PIN 781024

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, SCHOOL EDUCATION DEPARTMENT
(ELEMENTARY), DISPUR, ASSAM- 781006

2:THE SAMAGRA SHIKSHA AXOM
KAHILIPARA
GUWAHATI- 781019
ASSAM
REPRESENTED BY ITS MISSION DIRECTOR

3:THE MISSION DIRECTOR
TO THE SAMAGRA SHIKSHA AXOM
KAHILIPARA
GUWAHATI- 781019
ASSAM

4:THE ADDITIONAL DISTRICT COMMISSIONER (EDN) CUM DISTRICT
MISSION COORDINATOR
SAMGRA SHIKSHA
DARRANG
P.O. MANGALDOI
ASSAM- 784125

5:DIBYAPAD NATH

DISTRICT PROGRAMMER
SSA
MORIGAON
P.O. MORIGAON
ASSAM- 78210

Advocate for the Petitioner : MR S BORTHAKUR, P KHATANIAR

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

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 11.03.2026

Heard Mr. S Borthakur, learned counsel for the petitioner. Also heard Mr. H Baruah, learned counsel appearing on behalf of Mr. B Gogoi, learned Addl. Advocate General, appearing for the SSA, Assam.

The petitioner, in the present proceeding, has presented a challenge to an order of transfer dated 12.01.2026 issued by the Mission Director, SSA, Assam, transferring the petitioner from Darrang to Morigaon while bringing the respondent no. 5 from Morigaon to Darrang. The petitioner has also assailed an order dated 02.03.2026 by which the representation, preferred by the petitioner, against the transfer effected in her case, vide the order dated 12.01.2026, came to be rejected.

The petitioner, in the present writ petition, has projected that she along with three others had submitted an application for mutual transfer on 28.02.2025. The petitioner had sought for her such transfer from Darrang to Kamrup (Metro) on the ground that she has to take care of her old parents and a teenage single child and also to be close to her spouse who is working at Guwahati. Although there were 4 (Four) persons involved in the joint application seeking mutual transfer, only the petitioner and the respondent no. 5, herein, were so considered and accordingly, vide order dated 12.01.2026, the petitioner was transferred from Darrang to Morigaon

vice the respondent no. 5. The respondent no. 5 was transferred to Darrang.

Being aggrieved, the petitioner submitted a representation dated 16.01.2026 against the said order of transfer. The same not being considered, the petitioner had approached this Court by way of instituting a writ petition being WP(C)/508/2026.

A Co-ordinate Bench of this Court, vide order dated 04.02.2026, had given a final consideration to the said representation for direction to the Mission Director, SSA, Assam, to consider the representation dated 16.01.2026, submitted by the petitioner in the matter and, thereafter, to pass appropriate orders. It is further projected that the Co-ordinate Bench of this Court had also directed for maintenance of status quo in the matter till the disposal of the representation. Mr. S Borthakur, learned counsel for the petitioner submits that the representation submitted by the petitioner was disposed of vide an order dated 02.03.2026 passed by the Mission Director, SSA, Assam, rejecting the prayer of the petitioner for modification of a place of posting on transfer.

Mr. S Borthakur, learned counsel for the petitioner, has submitted that the private respondent no. 5 has already joined at Darrang and the petitioner, who was protected by the orders passed by this Court in WP(C) No. 508/2026, after disposal of the representation, is without any protection. He submits that the petitioner is not in a position to move to Morigaon on account of family issues including the requirement of looking after her child. Accordingly, he submits that the petitioner be directed to be continued at Darrang and/or be posted in Kamrup (Metro) district.

Mr. H Baruah, learned counsel for the respondents submits that he be granted 10 (Ten) days time to complete his instructions in the matter and apprise this Court with regard to the projections made by the learned counsel for the petitioner, in the matter.

Prayer accepted.

Registry to list the matter again on 23.02.2026.

Considering the materials brought on record as well as the submissions made by the learned counsel for the petitioner, it is provided that no coercive action be taken against the petitioner till the next returnable date. It is also provided that it is open to the petitioner to assume charge of the post at Morigaon and the same will be without prejudice to the claims made in the present writ petition.

JUDGE

Comparing Assistant