

GAHC010054022024



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

Case No. : WP(C)/1480/2024

BISWAJIT DEY
S/O LATE BHUPATI KUMAR DEY
PRESENTLY BEEO, PATHARKANDI, MAHENDRA NIBASH, NATUN PATTY,
SILCHAR, HOME DIST. CACHAR, ASSAM, PIN-781001

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY, TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI, ASSAM, PIN-
781006

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
ASSAM
PIN-781019

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER

KARIMGANJ
ASSAM

4:SRI SAMIN BAISHYA
S/O LATE GOPAL BAISHYA
BEEO
BARPETA
VILL- AND PO. KAKAYA
P.S. BELSOR
DIST. NALBARI
ASSAM

PIN-781304

5:SRI RAJENDRA KALITA
S/O LATE JIMMIJOY KALITA
BEEO
CHENGA EDUCATION BLOCK

BARPETA
R/O VILL- AND P.O. DASPARA
P.S. MUKALMUA
DIST. NALBARI
ASSAM
PIN-78112

Advocate for the Petitioner : MR. A K DUTTA

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

14.03.2024

Heard Mr. B Purkayastha, learned counsel for the petitioner who submits that by filing this writ petition, the petitioner has challenged the transfer Order dated 28.02.2024 by which he has been transferred from Patharkandi Education Block, Karimganj to Barpeta Education Block, Barpeta. The learned counsel submits that the petitioner, in fact, was recently transferred from Salchapra Educational Block, Cachar district to Patharkandi Education Block vide Order dated 03.02.2024. Therefore, even before a lapse of a period of one month, the impugned transfer order has been issued and the same should be set aside. The learned counsel submits that the petitioner has been transfer to Barpeta Education Block to vice Samin Baishya, who is arrayed as respondent No. 4 in this writ petition. Mr. Samin Baishya has already also been arrayed as

respondent No. 4 in another writ petition filed by one Rajendra Kalita i.e., WP(C) No. 1325/2024 since the said writ petitioner has been transferred to the place occupied by Sh. Samin Baishya. This Court vide Order dated 05.03.2024 has stayed the transfer order concerned. The learned counsel therefore submits that pending consideration of the writ petition, the petitioner may be allowed to continue in his present place of posting at Patharkandi Education Block by directing maintenance of status quo.

Issue notice of motion returnable by 4 (four) weeks. Mr. P N Sharma, learned Standing Counsel for Elementary Education accept notice on behalf of respondent Nos. 1, 2 & 3. Petitioner to take steps for service of notice to the respondent No. 4 by registered post with A/D due within 3 (three) days.

List the matter again after 4 (four) weeks. Having regard to the projection made by the petitioner, parties are directed to maintain status quo as on today.

JUDGE

Comparing Assistant