

GAHC010054272026



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

Case No. : WP(C)/1537/2026

BIJAY BOISHNAB
S/O LATE BIBEKANANDA BOISHNAB, R/O WARD NO. 3 (PRAGATI LANE),
P.O. AND P.S.- KOKRAJHAR, DIST- KOKRAJHAR, ASSAM, PIN-783370

VERSUS

THE STATE OF ASSAM AND 4 ORS
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM, SCHOOL EDUCATION DEPARTMENT, DISPUR, GUWAHATI-6

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019

3:THE BODOLAND TERRITORIAL COUNCIL
THROUGH THE PRINCIPAL SECRETARY
KOKRAJHAR
DIST- KOKRAJHAR
PIN-783370

4:THE SECRETARY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
DIST- KOKRAJHAR
PIN-783370

5:THE DIRECTOR OF EDUCATION
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
DIST- KOKRAJHAR
PIN-78337

Advocate for the Petitioner : MR. I H SAIKIA, MR. M R CHOUDHURY, MR K KASHYAB, MS L HMAR, MR. K KALITA, A PATHAK

Advocate for the Respondent : SC, SEC. EDU., SC, BTC

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 16.03.2026

Heard Mr. I.H. Saikia, learned counsel for the petitioner.

By filing this petition, the petitioner has put to challenge the order dated 11.03.2026, passed by the Commissioner & Secretary to the Govt. of Assam, Department of School Education, whereby as many as 12 officers including the petitioner have been transferred to different places of posting.

It is the contention of the petitioner that the petitioner would be retiring on 28.02.2027, whereas, the petitioner is sought to be transferred within one year of his retirement. On a pointed query, as regards the circular/government instruction regulating the transfer of employees within one year of retirement, Mr. I.H. Saikia, learned counsel for the petitioner submits that he has no knowledge as regard such circular/instruction.

However, considering that the petitioner has been transferred within one year of his retirement, let notice be issued, returnable by 4 (four) weeks.

Since Mr. S.M.T. Chitsie, learned counsel has entered appearance and accepted notice on behalf of respondents No.1 and 2 and Ms. B. Bhuyan, learned senior counsel assisted by Ms. P. Kashyap, learned counsel has entered appearance and accepted notice on behalf of respondents No.3, 4 and 5, no formal notice is required to be issued to the said respondent. However, requisite extra copies of the writ petition be furnished to the learned counsel for the respondents within 2 (two) working days.

Since the model code of conduct has come into effect, the consequence would follow.

JUDGE

Comparing Assistant