

GAHC010099172024



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

Case No. : I.A.(Civil)/1513/2024

TAPESWARI BARO,
D/O- PADMA BARO,
ASSISTANT TEACHER,
BARKHOLA HIGH SCHOOL,
UDALGURI, DIST- UDALGURI.

VERSUS

THE STATE OF ASSAM AND 7 ORs
REPRESENTED BY THE SECRETARY, DEPARTMENT OF SCHOOL
EDUCATION, DISPUR, GUWAHATI-6.

2:THE SECRETARY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR.

3:THE SECRETARY
EDUCATION DEPARTMENT
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
DISPUR
GUWAHATI-6.

4:THE DIRECTOR OF EDUCATION
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM.

5:THE FINANCE DEPARTMENT
REPRESENTED BY THE SECRETARY

BODOLAND TERRITORIAL COUNCIL

KOKRAJHAR
ASSAM.

6:THE INSPECTOR OF SCHOOLS
UDALGURI DISTRICT CIRCLE
UDALGURI.

7:RUNUMI PRIYA DEVI

IN-CHARGE HEADMISTRESS
BARKOLA HIGH SCHOOL
UDALGURI
DIST.- UDALGURI
ASSAM.

8:THE SECRETARY
EDUCATION DEPTT. CUM CHAIRMAN
DEPARTMENTAL PROMOTION COMMITTEE

BTC
KOKRAJHAR

Advocate for the Petitioner : A BORO,

Advocate for the Respondent : MR. NAYAN J. MEDHI, SC, ELEM. EDU,SC, BTC

Linked Case : Cont.Cas(C)/258/2024

TAPESWARI BARO
W/O DEBA KR. BHUYAN
VILLAGE MANGALDAI (KARIM CHOWK) WARD NO. 6. PO AND PS
MANGALDAI
DIST DARRANG
ASSAM 784125

VERSUS

JAGADISH PRASAD BRAHMA
INSPECTOR OF SCHOOLS UDALGURI
784509

2:SHRI HITU KUMAR DAS
TREASURY OFFICER
UDALGURI
784509

3:RUNUMI PRIYA DEVI
IN CHARGE HEADMISTRESS
BARKOLA HIGH SCHOOL
UDALGURI
DIST UDALGURI
ASSAM 784525

Advocate for : MR H P GUWALA
Advocate for : MR. D SAIKIA(R-2) appearing for JAGADISH PRASAD BRAHMA

Linked Case : WP(C)/1623/2024

RUNUMI PRIYA DEVI
IN-CHARGE HEADMISTRESS

BARKOLA HIGH SCHOOL

UDALGURI
DIST.- UDALGURI

ASSAM.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE SECRETARY

DEPARTMENT OF SCHOOL EDUCATION

DISPUR
GUWAHATI-6.

2:THE SECRETARY
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR.

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8:THE SECRETARY
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DEPARTMENTAL PROMOTION COMMITTEE
BTC
KOKRAJHAR.

Advocate for : MRS. R DEVI

Advocate for : SC

ELEM. EDU appearing for THE STATE OF ASSAM AND 7 ORS

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 09.09.2024

Heard Mr. A. Boro, learned counsel for the applicant.

Mr. P. Nayak, learned standing counsel, BTC has produced a communication dated 07.09.2024 and the same reads as under:

“*Sir,*

With reference to the subject cited above, I am directed to inform you that the Inspector of Schools, Udalguri accepted the joining report dtd. 15-03-2024 of respondent No.7, Tapeswari Baro, newly promoted Headmistress on 13-03-2024 due to non-acceptance of her joining report by the petitioner Runumi Priya Devi, Incharge Headmistress, Barkola High School, Udalguri. The petitioner Runumi Priya Devi in the case is allowed to continue to function the Barkola High School, Udalguri as incharge Headmistress as per the Hon'ble High Court order dtd. 19-03-2024 passed in WP (C)No.1623 /2024 (Runimi Priya Devi-Ors.-Vs-SOA & Ors.). There has no handing over and taking over of charges took place, till date between them, however, the respondent No.6 has issued fixation order against the newly promoted Headmistress of the school vide order Memo No.IS/UDC/Esstt./35/07/Pt-II/ dtd. 16th March/2024 as her joining report has been accepted by the Inspector of Schools, Udalguri.

In regard to payment of salary of the newly promoted Headmistress, Barkola High School, the Inspector of Schools, Udalguri directed the DDO(i/C Headmistress) to release the salary for regular Headmistress vide letter No.IS/UDC/Gen1/26/06/799-804 dtd. 03/05/2024(copy enclosed) as per he Hon'ble High Court order td. 24-04-2024 in WP (C)No.1623 /2024 (Runumi Priya Devi-Ors.-Vs-SOA & Ors.). The Department will take action whatso directs in said case by the Hon'ble High Court in future.

This is for favour of your kind information and necessary action.

*Yours faithfully,
Director of Education,
Bodoland Territorial Council,
Kokrajhar"*

Mr. N. J. Medhi, learned counsel for the petitioner in WP(C)1623/2024 prays for some time to enable him to receive instructions.

The prayer is allowed.

List on 18.09.2024.

JUDGE

Comparing Assistant