

GAHC010061992026



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

Case No. : WA/89/2026

SMTI SWARNALI PATHAK
SWARNALI PATHAK, D/O LT. BIJAYA BORA PATHAK, R/O VILL.
HAIBORGAON, LAWKHOWA ROAD, P.O. HAIBORGAON, DIST. NAGAON,
ASSAM, PIN 78334

VERSUS

1: THE STATE OF ASSAM AND 3 ORS. REPRESENTED BY THE
COMMISSIONER AD SECY., DEPTT.OF SCHOOL EDUCATION, DISPUR,
GUWAHATI 6

2:THE DIRECTOR ELEMENTARY EDUCATION
ASSAM KAHILIPARA GUWAHATI 19

3:THE DIST. ELEMENTARY EDUCATION OFFICER
NAGAON ASSAM.

4:CHANDAN BHATTACHARYA
TUTOR, DAKHAN JAR BAGAN L.P. SCHOOL
P.O. BARPANI P.S. KACHUA DIST. NAGAON ASSAM PIN 78245

For the Appellant(s) : Mr. D. Mahanta, Advocate.

For the Respondent(s) : Mr. N.J. Khataniar, Standing Counsel, Department of School
Education for respondent Nos.1, 2 & 3.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

01.04.2026

(Ashutosh Kumar, CJ)

The appellant, who had been the in-charge Head Teacher of a School in Nagaon District, faced a disciplinary action after an unsavory

incident occurred on 17.05.2023 where 73 students, who had consumed mid-day meal, had fallen ill with symptoms of food poisoning.

The appellant as in-charge Head Teacher was held *prima facie* responsible along with the Cooks and Helpers leading to her suspension, a minor penalty and removal from the charge of Head Teacher.

This was challenged by the appellant before a learned Single Judge of this Court vide WP(C) No.5963/2024.

The minor punishment of stoppage of 1(one) increment without cumulative effect was found to be without the procedure prescribed under Rule 9 of the Assam Services (Discipline and Appeal) Rules, 1964 (*hereinafter to be referred as the "Rules of 1964"*) to which the appellant was subjected to. The order passed by the Departmental Authorities visiting the appellant with such punishment was set aside. The Court also ratified the revocation of suspension of the appellant.

Simultaneously, liberty was granted to the disciplinary authorities to proceed against the appellant, if so desired, by instituting a regular departmental proceeding against her but only after following the provisions of the Rules of 1964. Till such time that the proceedings would be initiated and concluded, the learned Single Judge upheld the directions issued by the Director of Elementary Education, Assam on 05.06.2024 not to give the charge of Head Teacher to the appellant but made it subject to the outcome of the proceedings, if instituted against the appellant in the matter.

Mr. D. Mahanta, learned counsel for the appellant has submitted that no departmental proceeding has been initiated against the appellant uptill now and in that case, the appellant ought to be given

the charge of the Head Teacher of any School.

Mr. N.J. Khataniar, learned Standing Counsel, Department of School Education submits that he shall take instructions whether any departmental proceeding afresh against the appellant is contemplated or has been instituted.

Let this matter come up for consideration again on **29.05.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant