

GAHC010062072026



2026:GAU-AS:4514

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

Case No. : WP(C)/1773/2026

SRI AJOY KUMAR CHOWHAN
SO LATE ARJUN PRASAD CHOWHAN, PRESENTLY BEEO, NORTH
SRIBHUMI, RO VILL 16 NO BASTI, PO KABUGANJH NAGDIRGRAM PART I,
DIST CACHAR, ASSAM, PIN 788121

VERSUS

STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVT OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GHY, ASSAM, PIN 781006

2:THE DIRECTOR

ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY
ASSAM
PIN 781019

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER

SRIBHUMI
ASSAM

4:MD MEHBUB AHMED LASKAR

ELEMENTARY EDUCATION OFFICER
LAOKHOWA EDUCATION BLOCK
DIST NAGAON
ASSAM

PIN 78212

Advocate for the Petitioner : MR. B PURKAYASTHA, MR. A K DUTTA

Advocate for the Respondent : SC, ELEM. EDU,

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 30.03.2026

Heard Mr. B. Purkayastha, learned counsel for the petitioner as well as Mr. P. K. Bora, learned Standing Counsel, Elementary Education Department appearing for the respondent Nos. 1, 2 and 3.

[2.] Having regard to the nature of the grievance projected by the petitioner, the writ petition is taken up for disposal at the motion stage. It is the case of the petitioner that he was promoted to the post of Block Elementary Education Officer from the post of Sub-Inspector of Schools vide Notification dated 15.12.2022. Thereafter, vide Notification dated 03.02.2024, he was transferred from Narsingpur Education Block, Cachar district to Lala Education Block, Hailakandi district w.e.f the date of taking charge. However, on 21.02.2024, his transfer and posting order was modified and he was posted to North Karimganj Education Block, Karimganj district instead. The learned counsel submits that the Election Commission of India, in view of the General Elections to Legislative Assemblies of various States including the State of Assam has issued a Notification/guidelines as regards transfer and posting of Government Officials on 09.02.2026, wherein, a Officer who is directly connected with election will not be allowed to continue in the present district/revenue district of posting if he or she is posted in his/her home district or if he/she has completed 3(three)

years in that district during the last 4(four) years or would be completing three years on or before 31.05.2026 for the State of Assam amongst other States. The learned counsel submits that the petitioner does not fall in the category of persons to be transferred elsewhere but to his surprise he has been transferred from North Karimganj Education Block, (now Sribhumi Education Block) to Laokhowa Educational Block in the district of Nagaon vide the impugned Notification dated 15.03.2026 (Annexure-4). Aggrieved with the same, the petitioner submitted a representation before the Commissioner and Secretary to the Govt. of Assam, Department of School Education on 16.03.2026 (Annexure-6A). However, since the same has not been considered and disposed of, the petitioner is before this Court.

[3.] Mr. B. Purkayastha, learned counsel has sought to impress this Court by referring to the transfer guidelines issued by the Election Commission of India and also the manner in which he has been posted to Sribhumi Education Block where he is not likely to complete three years of his tenure as on 31.05.2026. The learned counsel also submits that the petitioner does not belong to Sribhumi district but he is a resident of Cachar district.

[4.] Considering the above projection and considering the materials available on record, more particularly, the representation which was submitted before the Commissioner & Secretary to the Govt. of Assam, Department of School Education, the writ petition is disposed of by directing the said authority who is impleaded as respondent No.1 in the instant writ petition to consider and dispose of the representation of the petitioner dated 16.03.2026, by taking note of the guidelines issued by Election Commission of India and the tenure of the petitioner in Sribhumi district within a period of 15(fifteen) days from today.

[5.] Till the disposal of the representation, status-quo as on today shall be

maintained. The petitioner shall also furnish the respondent No.1 a copy of the writ petition along with a certified copy of the order for consideration.

[6.] With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant