

GAHC010125122020



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

Case No. : WP(C) 3794/2020

1:MAUSAM DUTTA
S/O LATE PREMANGSHU DUTTA,
IN CHARGE HEAD MASTER, CHANDRANATHPUR ME SCHOOL, VILLAGE
AND PO CHANDRANATHPUR, SUB DIVISION SILCHAR SADAR, DIST
CACHAR, ASSAM 788817

VERSUS

1:THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EDUCATION, ELEMENTARY DEPARTMENT,
DISPUR, GUWAHATI 6

2:THE DIRECTOR
ELEMENTARY EDUCATION ASSAM KAHILIPARA
GUWAHATI 19

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
CACHAR
ASSAM
SILCHAR

4:THE BLOCK ELEMENTARY EDUCATION OFFICER
KATIGORAH EDUCATION BLOCK
SUB DIVISION SILCHAR SADAR
CACHAR
ASSAM

5:SRI SHISHU RANJAN BARMAN
HEAD MASTER HBDS RAJABAZAR
MV SCHOOL
VILLAGE JOYPUR
RAJABAZAR
SUB DIVISION LAKHIPUR CACHAR
SILCHAR ASSA

Advocate for the Petitioner : MR. B U LASKAR

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

30.09.2020

Heard Mr. B.U. Laskar, learned counsel for the petitioner and Mr. B. Kaushik, learned Standing Counsel, Elementary Education Department for respondent Nos. 1 to 4.

Petitioner is the in-Charge Headmaster of Chandranathpur M.E. School under Silchar Sub-Division in the district of Cachar, a provincialised Upper Primary school of the State.

The petitioner is aggrieved by the appointment of respondent No.5 as the regular Headmaster in the said Chandranathpur M.E. School who was serving as the Headmaster of HBDS Rajabazar M.V. School which is situated in Lakhipur Sub-Division of Cachar District.

According to the petitioner, the appointment of the respondent No.5 is in violation of the provisions of the Notification No. AEE.199/2009/42 dated 2nd March, 2010 issued by the State Government in the Elementary Education Department that pertains to appointment of Headmasters in provincialised M.E./M.E.Madrassa/M.V. and Senior Basic Schools in the State.

Issue notice, returnable by **4(four) weeks**.

As Mr. B. Kaushik, learned Standing Counsel, Elementary Education Department has accepted notice on behalf of the respondent Nos. 1 to 4, no formal notices be issued to those respondents.

Petitioner shall serve extra copies of the writ petition along with all annexures appended thereto to Mr. B. Kaushik within two days from today.

Petitioners shall also take steps for service of notice on respondent No. 5 by registered post with A/D providing his correct and proper address with requisite postal stamps on or before 03.10.2020.

JUDGE

Comparing Assistant