GAHC010129372024

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

Case No. : WP(C)/3303/2024

SANTOSH DAS
S/O- LATE ABANI DAS ,
R/O- LANKA TOWN, WARD NO-6, DIST- HOJAI, ASSAM, PIN-782446

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, ELEMENTARY EDUCATION DEPARTMENT, DISPUR, GUWAHATI-6

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE MISSION DIRECTOR
SAMAGRA SIKSHA ABHIJAN
ASSAM
KAHILIPARA
GUWAHATI-19.

4:THE EXECUTIVE DIRECTOR
SAMAGRA SIKSHA ABHIJAN
ASSAM
KAHILIPARA
GUWAHATI-19.

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
HOJAI
ASSAM

6:THE DISTRICT LEVEL COMMITTEE
HOJAI
REP BY THE ADDITIONAL DISTRICT COMMISSIONER
HOJAI
SHANKARDEV NAGAR
DIST- HOJAI
ASSAM
PIN-782442

7:THE DISTRICT COMMISSIONER
DIST- HOJAI
ASSAM
PIN-78244

Advocate for the Petitioner : MR. A K BARUAH

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 26.06.2024

Heard Mr. I. Chowdhury, learned senior counsel assisted by Mr. A.K. Baruah, learned counsel for the petitioner.

By this writ petition, the petitioner is challenging the order dated 20.06.2024, by which he has been transferred from No. 1 Lankeswari Grant L.P. School of Lanka Block to Alipur Lower Primary School of Lanka Block.

The case of the petitioner is that his transfer has been made in violations of O.M. dated 05.05.2023 issued by the Department of School Education on the rationalization of teachers and post of teachers, particularly, Clause 19 & 22. The further case of the petitioner is that he is the senior most teacher in the school and instead of transferring the junior teacher, he has been transferred by

the Notification dated 20.06.2024. It is also the case of the petitioner that the transfer of the petitioner is in violation of provisions of Office Memorandum dated 05.05.2023 issued by the Department of School Education.

Mr. B. Kaushik, learned standing counsel, Elementary Education Department, prays for time till Friday (28.06.2024) to enable him to receive instructions.

Prayer is allowed.

List on 28.06.2024.

Till the next returnable date, the parties are directed to maintain *status quo* as on today.

JUDGE

Comparing Assistant