

GAHC010131172024



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

Case No. : WP(C)/3369/2024

BABUMONI SHIL
SON OF GOPAL CHANDRA SHIL,
RESIDENT OF LANKA, WARD NO. 7,
COLLEGE ROAD,
P.O. AND P.S.- LANKA,
DISTRICT- HOJAI, ASSAM- 782446.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, ELEMENTARY EDUCATION, DISPUR, ASSAM.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
KAHILIPARA
GUWAHATI
ASSAM
PIN- 781019.

3:THE MISSION DIRECTOR
SAMAGRA SHIKSHA
ASSAM
KAHILIPARA
GUWAHATI
ASSAM
PIN- 781019.

4:THE EXECUTIVE DIRECTOR
SAMAGRA SHIKSHA
ASSAM
KAHILIPARA

GUWAHATI
ASSAM
PIN- 781019.

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
HOJAI
ASSAM.

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

7:THE DISTRICT COMMISSIONER
HOJAI
DISTRICT- HOJAI
ASSAM- 782442

Advocate for the Petitioner : MR. I CHOWDHURY SR ADV

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 27.06.2024

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 Bankim Chandra Adarsha Pathshala of Lanka Block to Manju Pathar L.P. 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 there are two junior teachers below the petitioner 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 some time to enable him to receive instructions.

Prayer is allowed.

List on 19.07.2024.

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

JUDGE

Comparing Assistant