

GAHC010188072024



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

Case No. : WP(C)/4721/2024

ZAHANGIR ALOM AHMED
S/O- LATE MONSUR ALI AHMED, R/O- VILL- BHAMANDANGA PT-II, P.O.
JHAPUSABARI, P.S. AGOMONI, DIST. DHUBRI, ASSAM, PIN- 783335.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

3:THE INSPECTOR OF SCHOOLS

DHUBRI DISTRICT CIRCLE
DHUBRI
ASSAM
PIN- 783301.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DHUBRI
ASSAM
PIN- 783301.

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
BILASIPARA
PIN- 783348.

6:THE HEAD MASTER PACHIM GOAILER CHAR PRE-SENIOR MADRASSA

(NOW M.E. SCHOOL)
P.O. BONDIHANA
P.S. FAKIRGANJ
DIST. DHUBRI
ASSAM
PIN- 783349.

7:THE HEAD MASTER PUB- GAIKHOWA DIMAKURI PRE-SR. MADRASSA
(NOW M.E. SCHOOL)
P.O. AND PS. GOLAKGANJ
DIST. DHUBRI
ASSAM
PIN- 783334.

8:THE TREASURY OFFICER
BILASIPARA
PIN- 783348

Advocate for the Petitioner : MR. M U MONDAL, MS. N NASRIN,MR K ISLAM,MR A ALIM SK,MR. A W MONDAL,A A AHMED

Advocate for the Respondent : SC, SEC. EDU., SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

18.09.2024

Heard Shri M.U. Mondal, learned counsel for the petitioner.

The petitioner was working as an Assistant Teacher (Science) at Goailer char Pre-Senior Madrassa (now M.E. School) and was suspended from service vide order dated 02.03.2015. The said suspension was in connection with Agomoni P.S. Case No. 322/2014. The petitioner was however reinstated on 04.04.2018 with a penalty of withholding one increment and the period of service was held to be not on duty. A subsequent order dated 26.02.2024 has also been passed upholding the earlier order. It is submitted that the petitioner was acquitted in the connected criminal case.

The petitioner is aggrieved by the action of the respondents in not treating the

period of suspension as on duty and accordingly, claims for the salaries for the aforesaid period.

Let notice be issued, returnable by 6 (six) weeks.

Ms. D. Muchahary, learned Standing Counsel, Secondary Education Department accepts notice on behalf of the respondent nos. 1, 2 & 3, Ms. N. Phukan, learned counsel accepts notice on behalf of the respondent nos. 4 & 5 and Shri A. Chaliha, learned counsel accepts notice on behalf of the respondent no. 8.

Extra copies of the writ petition be served upon the learned counsel for the respondents within 2 (two) working days.

Steps for service of notice upon the respondent nos. 6 & 7 be taken by registered post with A/D within 2 (two) working days.

JUDGE

Comparing Assistant