

GAHC010236412024



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

Case No. : WP(C)/5963/2024

SWARNALI PATHAK
DAUGHTER OF LT. BIJAYA BORA PATHAK,
RESIDENT OF VILLAGE- HAIBORGAON,
LAWKHOWA ROAD,
P.O. HAIBORGAON,
DISTRICT- NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
DISPUR, GUWAHATI-6.

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

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
NAGAON
ASSAM
PIN- 782001.

4:CHANDAN BHATTACHARYA
TUTOR
DAKHAN JAR BAGAN LP SCHOOL

P.O. -BARPANI
P.S.- KACHUA

PIN- 782450

NAGAON
ASSAM

Advocate for the Petitioner : MR D MAHANTA, MR T GOGOI

Advocate for the Respondent : SC, ELEM. EDU,

BEFORE
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR
ORDER

16/02/2026

Mr. A Phukan, learned Standing counsel, Elementary Education Department in pursuance to the directions passed by this Court vide order dated 18.11.2024 has placed on record the written instructions received by him from the in-Charge Director of Elementary Education, Assam.

This Court vide order dated 18.11.2024 had required the learned Standing counsel, Elementary Education Department to produce the relevant records.

A perusal of the written instructions produced does not reveal that a departmental proceeding was instituted against the petitioner, herein, in compliance with the provisions of Rule 9 of the Assam Service (Discipline and Appeal) Rules, 1964.

The learned counsel for the petitioner has emphatically submitted that no show cause notice as envisaged under the provisions of Rule 9(2) of the said Rules of 1964 was issued to her.

In view of the above situation emerging in the matter, Mr. Phukan, learned Standing counsel, Elementary Education Department submits that he be granted time till 23.02.2026 to receive further instructions in the matter.

Prayer accepted.

Registry to list this matter again on **23.02.2026** for further hearing.

JUDGE

Comparing Assistant