

GAHC010238822024



undefined

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

Case No. : WP(C)/5954/2024

SUBODH KALITA
S/O LATE SRI NAGEN KALITA
R/O VILL- BAMUNDI
P.O. BAMUNDI,P.S. SUALKUCHI, KAMRUP, ASSAM, PIN- 781103

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, SECONDARY EDUCATION DEPARTMENT,
DISPUR, GUWAHATI-781006

2:THE DIRECTOR OF SECONDARY EDUCATION
KAHILIPARA
GUWAHATI-781019

3:THE SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF SCHOOL EDUCATION
DISPUR
GUWAHATI-781006

4:THE INSPECTOR OF S CHOOOLS
KAMRUP DISTRICT CIRCLE
AMINGAON
ASSAM- 78103

Advocate for the Petitioner : MR. A K BARUAH, MR. H NATH,MR. R A PRAMANIK,MR. N MAHAJAN

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

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER**

18.11.2024

Mr. A.K. Baruah, learned counsel for the petitioner and Mr. N.J. Khataniar, learned Standing Counsel for all the respondents.

2. In this petition, under Article 226 of the Constitution of India, the petitioner has put to challenge the termination order or the petitioner dated 05.03.2024, issued by the Inspector of Schools, K.D.C., Amingaon.

3. Mr. Baruah, learned counsel for the petitioner submits that the petitioner was appointed as L.D.C. at Bamundi High School and thereafter, he was promoted to the post of Assistant Teacher of Bamundi High School. Thereafter, without following the procedure laid in Article 311(2) of the Constitution of India and also the procedure prescribed under Rule 9 of the Assam Services (Discipline & Appeal) Rules, 1964, he was terminated from the post of Assistant Teacher, vide impugned order dated 05.03.2024, and thereby violated the legal right of the petitioner.

4. Let notice be issued to the respondents, within a week from today, returnable in 4 weeks, by registered post with A/D and by usual process. As Mr. Khataniar has appeared and accepted notice on behalf of all the respondents, no formal notice is required to be issued. However, extra requisite copy of the petition be furnished to him during the course of the day.

5. Mr. Khataniar shall obtain necessary instructions in this regard and shall appraise this court on the next date.

6. List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant