

GAHC010252162025



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

Case No. : WP(C)/6578/2025

MUNINDRA HAZARIKA
S/O- LATE GANGADHAR HAZARIKA, R/O- VILL.- GOHAIN PATHAR, P.O.
AND P.S. BIHPURIA, DIST. LAKHIMPUR, ASSAM, PIN- 784161.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006.

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

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
LAKHIMPUR
NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSAM
PIN- 787001.

5:THE DEPUTY INSPECTOR OF SCHOOLS
LAKHIMPUR
NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSAM

PIN- 787001.

6:THE BLOCK ELEMENTARY EDUCATION OFFICER
BIHPURIA
LAKHIMPUR
DIST. LAKHIMPUR
ASSAM
PIN- 787001

Advocate for the Petitioner : MD. A HASSAN, MS. P K DEVI,MR. D RABHA

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

**BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER**

03.12.2025

Heard Mr. A. Hassan, learned counsel for the petitioner. Also heard Mr. P.K. Borah, learned standing counsel, Education (Elementary) Department, appearing for the respondent Nos.1, 3, 4, 5 and 6 and Ms. R.M. Barooah, learned counsel for the respondent No.2.

In this petition under Article 226 of the Constitution of India, the petitioner has prayed for setting aside the suspension order bearing No.ECA-50/2023/4 dated 20.10.2023, issued by the Director of Elementary Education, Assam and also for issuing direction to the respondent authorities to reinstate the petitioner in service and also to regularize the suspension period by treating the same as on duty.

Mr. Hassan, learned counsel for the petitioner submits that having placed the petitioner under suspension vide order dated 20.10.2023, the same has not yet been reviewed by the respondent authorities. Further, Mr. Hassan drawing the attention of this Court to the order dated 07.11.2023 passed by this Court in Bail Appln. No.3916/2023 submits that vide aforementioned order the petitioner was granted bail by this Court and

thereafter, the order has been communicated by the petitioner to the respondent authorities by filing one representation and thereafter, vide letter dated 02.02.2024 the petitioner was granted subsistence allowance. But till date, the suspension order has neither been revoked nor been reviewed by the respondent authorities and being aggrieved, the petitioner has approached this Court by filing the present petition.

Perused the petition and the documents placed on record.

Let notice be issued to the respondents, returnable on 09.01.2026.

No formal notice is required to be issued to the respondents, as all the respondents are duly represented by their engaged counsel. However, extra requisite copy of the petition be served upon the learned counsel appearing for the respondents during the course of the day.

List the matter on 09.01.2026.

In the meantime, Mr. Borah, learned standing counsel for the Elementary Education Department shall obtain necessary instruction as to whether the suspension order of the petitioner is reviewed or not and if reviewed, the relevant order shall be placed before this Court on next date.

Sd/- Robin Phukan
JUDGE

Comparing Assistant