

GAHC010249542022



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

Case No. : WP(C)/7/2023

SAMIN CHANDRA BARO
S/O- LATE LAKSHI RAM BARO, R/O- VILL.- ALIGURI, P.O. UTTARKUCHI,
DIST. BAKSA (BTR), ASSAM, PIN- 781372.

VERSUS

THE STATE OF ASSAM AND 7 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF ASSAM, DEPARTMENT OF EDUCATION, ELEMENTARY, DISPUR,
GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF FINANCE (ESSTT-A)
DISPUR
GUWAHATI-6.

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

4:THE SECRETARY
EDUCATION DEPARTMENT
BTC
KOKRAJHAR.

5:THE DIRECTOR OF EDUCATION
BTC
KOKRAJHAR.

6:THE DISTRICT ELEMENTARY EDUCATION OFFICER BAKSA
MUSHALPUR

ASSAM

7:THE BLOCK ELEMENTARY EDUCATION OFFICER
BAKSA
MUSHALPUR
ASSAM

8:THE DEPUTY INSPECTOR OF SCHOOLS
MUSHALPUR
BAKSA
ASSA

Advocate for the Petitioner : MR C GOSWAMI

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

04.01.2023

Heard Mr. C Goswami, learned counsel for the petitioner and Mr. B Talukdar, learned Standing counsel, Education Department, Assam for the respondent Nos. 1 & 3. Also heard Mr. A Chaliha, learned Standing counsel, Finance Department, Assam for the respondent No. 2 as well as Mr. B Choudhury, learned Standing counsel, BTC for the respondent Nos. 4 to 8.

It is submitted by the petitioner that though he was appointed as an Assistant Teacher at Bilpar Lower Primary School on 03.02.1999 and later transferred to Maithabari Lower Primary School under District-Baksa as an Assistant Teacher, but his service was subsequently terminated.

However, pursuant to the order of the Court dated 26.05.2015 passed in WP(C) No. 5587/2009, the Director of Education, BTC vide order dated 01.10.2015 reinstated him in service with certain terms and conditions and subsequently by the impugned order under No. DE/BTC/Apptt-6/El/Pt-I/2022/47 dated 01.04.2022 appointed him as a Tutor in Bilpar L.P. School.

Being aggrieved with regularizing his service as a Tutor by the impugned order dated 01.04.2022 issued by the Director of Education, BTC, noted above, instead of a regular Assistant Teacher in Lower Primary School within the BTC, the petitioner has preferred this writ petition.

Issue notice, returnable by **8 (eight) weeks**.

As Mr. B Talukdar, learned Standing counsel, Education Department, Assam; Mr. A Chaliha, learned Standing counsel, Finance Department, Assam as well as Mr. B Choudhury, learned Standing counsel, BTC have accepted the notices on behalf of the respondent Nos. 1, 3; 2 and 4 to 8 respectively, no formal notice need to be issued to those respondents.

Petitioner shall serve requisite extra copies of this writ petition including the annexures appended thereto to Mr. B Talukdar, learned Standing counsel, Education Department, Assam; Mr. A Chaliha, learned Standing counsel, Finance Department, Assam as well as Mr. B Choudhury, learned Standing counsel, BTC by tomorrow i.e., 05.01.2023 obtaining necessary acknowledgment from them in that regard.

The appointment of the petitioner as a Tutor in Bilpar Lower Primary School instead of an Assistant Teacher in the said L.P. School or any other L.P. school under the BTC shall be subject to outcome of this writ petition.

JUDGE

Comparing Assistant