

GAHC010145242023



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

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
ASSAM

Advocate for : MR C GOSWAMI

Advocate for : SC

ELEM. EDU appearing for THE STATE OF ASSAM AND 7 ORS

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

25.04.2024

Heard Mr. C. Goswami, learned counsel for the petitioner. Also heard Mr. P.N. Sharma, learned Standing Counsel, Elementary Education appearing for respondent nos. 1 and 3, Mr. A. Chaliha, learned Standing Counsel, Finance for respondent no. 2 and Mr. S. Bora, learned Standing Counsel, BTC.

At the request of the learned counsel for the parties, let WP(C) no 7/2023 be segregated from WP(C) no 3904/2023 and WP(C) no 6976/2023 as these matters does not relate to pension.

The grievance of the petitioner is that although he was regularized in the post of Assistant Teacher in Subankhata Sundari LP School by order dated 01.10.2015. Subsequently, the petitioner was appointed on purely temporary basis as a Tutor in Bilpar LP School in the district of Baksa.

It is submitted that when the petitioner was regularized as an Assistant Teacher, there was no scope for changing the nature of his appointment from Assistant Teacher to that of a Tutor without putting the petitioner to notice. Under such circumstances the present writ petition has been filed by the writ petitioner for allowing him to obtain appropriate orders.

It is also submitted by the learned Standing Counsel, BTC that he would like to complete his instructions in the matter.

Accordingly, list the matter after 3 (three) weeks.

JUDGE

Comparing Assistant