

WP(C) 6977/2002

BEFORE

THE HON'BLE MR JUSTICE HRISHIKESH ROY

Heard Mr T J Mahanta, learned counsel appearing for the petitioners. Also heard Mr V M Thomas, learned Standing counsel for the Education Department.

2. The nine petitioners herein are Assistant Teachers appointed in different L.P.Schools in Lakhimpur District and are before this Court challenging the order dated 23.10.2002 in Case No. L.C.21/ 2001/ Pt-I/ 172, passed by the Deputy Commissioner, Lakhimpur, whereby a group of 32 (thirty-two) teachers were declared to have been fraudulently appointed as teachers, following the conduction of an enquiry pertaining to illegal appointments of L.P. School Teacher in the District. The names of 9 (nine) writ petitioners appear among the 32 (thirty-two) names appended to the order dated 23.10.2002.

3. By the impugned order, the Deputy Commissioner has ordered that unless the concerned teachers produce documents to show that they have been genuinely appointed, their salaries would not be paid and the salaries already received by them would be recovered.

4. A counter affidavit on behalf of the Director of Elementary Education has been filed in the present case, wherein it is indicated that out of the 9 (nine) petitioners only three petitioners namely, petitioner No.1, Tultul Bharali, petitioner No. 2, Ajoy Kumar Gogoi and petitioner No. 10, Junu Konwar are genuine appointees and the appointments of the other writ petitioners are not genuine and so they cannot be considered for payment of their salaries.

5. In view of the above position reflected through the counter affidavit filed by the Director of Elementary Education, Assam, I deem it appropriate to consider granting relief only to the aforementioned 3 (three) writ petitioners.

6. Accordingly, it is declared that the impugned order dated 23.10.2002 would not apply in case of writ petitioner No.1, Tultul Bharali, writ petitioner No. 2, Ajoy Kumar Gogoi and writ petitioner No. 10, Junu Konwar and they be permitted to receive their due arrear and current salaries as L.P. School Teachers for payment of which, appropriate step would be taken by the respondent authorities.

7. With the aforesaid directions, this writ petition stands disposed of. No costs.