

WP(C) 1960/2007  
BEFORE  
HON'BLR MR JUSTICE AMITAVA ROY

Heard Mr AS Bhattacharjee , Senior Advocate assisted by Mr R. Borpujari, Advocate for the petitioner . Also heard Mr Pathak, learned Standing counsel, Education Department.

As agreed to by the learned counsel for the parties and in view of the relief as prayed for, this petition is being disposed of at the order stage.

The petitioner is before this Court being aggrieved by the order dated 23.8.2004 passed by the District Elementary Education Officer, Goalpara withdrawing him from the office of the Headmaster of Pukhuripara MV school, P.S. Lakhimpur of which he was hitherto incharge. According to the petitioner, he was the seniormost teacher of the school and was otherwise eligible to continue in the said office. But in view of the impugned arrangement, he was displaced. The petitioner has asserted that the present incumbent is retiring on superannuation on 30.6.23007. As thereafter indisputably , he would be the seniormost teacher of the school, he is entitled to hold the charge of the said office till a regular selection thereto is made in terms of the extant Rules.

Mr Bhattacharjee reiterating above has submitted that an appropriate direction to the said effect ought to be issued.

Mr Pathak has submitted that in the meantime, the process for regular selection to all posts of Headmasters in the ME/MV schools of the State have been concluded and the selected candidates now wait for their postings thereto. He however, submits that the final alignment of the teachers on the basis of the selection would take a months' time.

Upon hearing the learned counsel for the parties and keeping in view the unrebutted pleaded facts more particularly, the impending retirement of the present incumbent from the post of the Headmaster of the

aforesaid school , this petition is closed with the direction that if the petitioner is the seniormost teacher in the school and is otherwise entitled to hold the charge of the aforementioned office, he would be allowed to do so till after it falls vacant on superannuation and the regularly selected candidate under the Rules is posted thereto.

The petition stands disposed in the above terms. No costs.