

HON'BLE MR JUSTICE AMITAVA ROY

Heard Mr. MU Mahmud, learned counsel for the petitioner and also Mrs. M.Gogoi, learned Standing Counsel, Education Department.

By this judgment and order this Court proposes to dispose of the matter at the motion stage. Suffice it so state that the petitioner and the Respondent No.5 are serving as Assistant Teacher in Central Dharamtul M.Bora H.S. School, hereinafter referred to as the School. According to the petitioner, he was appointed in the year 1977 whereas the Respondent No.5 in the year 1985. On the retirement of the erstwhile incumbent in the post of Principal on 30.11.2008, the petitioner, therefore, was under the expectation of being handed over the charge of the said office. He is aggrieved by the contemplation of the Departmental authority to install the Respondent No.5 in the said office. Though representations dated 10.12.2008 of the petitioner and the inhabitants of the locality have been submitted against the proposed action with the Director of Secondary Education, Assam, Guwahati, the same have remained unattended till date. The learned counsel for the petitioner has urged that the move of the concerned departmental authority to induct the said Respondent in the post of Principal is grossly illegal, arbitrary and discriminatory. He further submits that the grievance of the petitioner would be met for the present if the writ petition is disposed of with the direction that the representation filed by the petitioner is examined by the aforementioned respondent authority within a fixed time frame.

The learned Standing Counsel, Education Department does not object to the method of disposal.

Having regard to the facts and circumstances of the case and the documents annexed to the writ petition, the writ petition is closed with the direction to the Director of Secondary Education, Assam, Guwahati to dispose of the representation filed by the petitioner within a period of six weeks from the day when a certified copy of this order is furnished. To ensure fairness and transparency in the process, the State authority, as above, would notify the parties involved before taking the decision. As it is stated on oath that as on date the charge of the office of the Principal has not been handed over to the Respondent No. 5, status quo with regard thereto be maintained as on today till a decision on the representation is taken. No costs.