

WP(C) 3026/2009

BEFORE

THE HON'BLE MR. JUSTICE B.K. SHARMA

Heard Mr. D.A. Kauym, learned counsel for the petitioner as well as Mr. M.R. Pathak, learned Standing Counsel, Education Department. Considering the submissions made and the nature of grievance raised and as agreed to by the learned counsel for the parties, I deem it appropriate to dispose of the matter at the motion stage itself without issuing notice to the respondent No. 5.

The matter relates to seniority dispute between the petitioner and the respondent No. 5. It is the case of the petitioner that he having been appointed in the Graduate Scale of Pay with effect from 26.9.1981 is by far senior to the respondent No. 5, who was a Hindi teacher of the school and graduated on ly in 1988. In this connection, the petitioner submitted Annexure-G representation dated 3.7.2009 to the Commissioner & Secretary to the Government of Assam in the Education Department.

The writ petition is disposed of with a direction that the appropriate authority in the Education Department to take on record the Annexure-G representation dated 3.7.2009 and dispose of the same in accordance with law after hearing all the parties including the respondent No. 5.

Entire exercise shall be carried out as expeditiously as possible, preferably within 31.8.2009, on which date, the present incumbent is going to retirement on attaining the age of superannuation.

The petitioner may obtain a certified copy of this order and shall produce before the appropriate authority in the Education Department with its enclosures for their necessary follow up action.

Writ petition is disposed of.