

WP(C) 4286/2008

BEFORE

THE HON'BLE MR. JUSTICE IA ANSARI

Heard Mr. AM Mazumdar, learned Senior counsel for the petitioner, and Mr . MR Pathak, learned Standing Counsel, Education Department, for the respondent Nos. 1 to 3. Dr. B Ahmed, learned counsel for the respondent No. 5.

By making this writ petition under Article 226 of the Constitution of India, the petitioner, who claims to be the senior most graduate teacher, in Uttar Barpeta High School, in the District of Barpeta, seeks for directions to be issued to the respondents/authorities concerned to determine the seniority of the teachers serving in the said school and to draw a gradation list of seniority, in this regard, for the purpose of making promotion to the post of Headmaster in the said school. To the prayer, so made, no objection has been raised on behalf of the respondents, who have appeared in this case. This apart, as the writ petitioner has asked for directions to be issued to the respondents/authorities concerned to determine seniority of the teachers of the said school, particularly, the seniority of the petitioner vis- -vis the seniority of the respondent Nos. 5 and 6, namely, Mrs. Salim Ara Hussain and Akbar Ali Ahmed respectively, this Court is of the view that in the facts and attending circumstances of the present case, the respondents/authorities concerned shall examine the matter of seniority of the petitioner vis- -vis the seniority of respondent Nos. 5 and 6 and do the needful in accordance with law.

Considering, therefore, the matter in its entirety and in the interest of justice, this writ petition is disposed of with direction to the respondents, particularly the respondent No. 2, namely, Director of Secondary Education, Assam, Kahilipara, Guwahati, to examine, in the light of the relevant Government policy and in accordance with law, the question of seniority of the petitioner vis- -vis the seniority of the respondent Nos. 5 and 6. The whole exercise, so directed, shall be completed by the respondent No. 2 within a period of three months from the date of receipt of a copy of this order by the respondent No. 2. For the purpose of arriving at a correct decision, respondent No. 2, namely, Director of Secondary Education, Assam, Kahilipara, Guwahati, shall accord opportunity of hearing to all the parties concerned including the petitioner and the respondent Nos. 5 and 6. The petitioner may furnish to the respondent No. 2, namely, Director of Secondary Education, Assam, Kahilipara, Guwahati, a certified copy of this order along with copies of the writ petition and annexure(s) thereto.