

WP(C) 1354/2010

BEFORE

THE HON'BLE MR. JUSTICE AMITAVA ROY

Heard Mr. R Ali, learned counsel for the petitioner and Mr. MR Pathak, learned Standing Counsel, Education Department, Assam.

For the order proposed to be passed, it is not considered necessary to issue formal notice to the respondents.

The petitioner is before this Court being driven by apprehension that with the vacation of the office of the Principal of PB Dhirdutta H.S Chool (hereafter for short referred to as the School), though in terms of superior seniority he ought to be allowed to hold the charge thereof, in view of the seniority list forwarded to the concerned authorities of the Education Department of the State by the present Principal & Secretary of the School, the respondent No. 4 may be installed therein. According to the petitioner, he had joined the Tamulpur HS School on 19.10.1978 and was, thereafter transferred to the present school in public interest vide order dated 22.07.1986. His services have since been regularized and confirmed by orders dated 25.05.2006 and 17.03.2008 of the concerned departmental authority. The respondent Nos. 4 & 5, according to him, have joined the school on 27.11.1980 and 16.03.1979 and have been extended the graduate scale of pay much after than that of the petitioner, who in fact was a graduate on the date of his joining in the Tamulpur HS School in 1978.

In response to a query made by the Joint Director of Secondary, Education Department, Assam, the Principal of the College having forwarded the seniority list as above, the petitioner apprehends that if the same is acted upon without ascertaining the true facts, there is a possibility of him being denied the charge of the office of the Headmaster of the School.

Though, at this stage in absence of any order inducting the respondent Nos. 4 or 5 as the In-charge of the School, this petition is in a way prematured, however, having regard to the misgivings entertained by the petitioner based on averments supported by an affidavit, this Court considers it appropriate to close this proceeding by entrusting the Director of Secondary Education, Assam with the responsibility of passing an appropriate order on the issue.

Needless to say, the said authority before taking a decision, if he deems fit, may afford an opportunity of hearing to both the parties and scrutinize meticulously all relevant records and the relevant provisions of law. The petition stands disposed in the above terms. No costs.