

WP(C) 5299/2009

BEFORE

THE HON BLE MR. JUSTICE HRISHIKESH ROY

Mr. N Rajkhowa, learned standing counsel for the Education Department refers to the Department's counter affidavit to show that the appointment of the petitioner is void ab initio and therefore, he is not entitled to any salary.

However, Mr. H Buragohain, learned counsel submits that the petitioner was duly appointed as an LP School Teacher against a vacant post in Bararpar LP School by the DI of Schools, Mangaldoi on 4.12.1999 as a stipendiary teacher. Subsequently he was adjusted against a retirement vacancy at Maruachowk LP School, Sipajhar but was allowed to continue his service at the Bararpar LP School and therefore he is not an illegal appointee.

Mr. Buragohain alternatively submits that the salary claim of the petitioner may be referred for examination by the Committee constituted by the Government, in pursuant to the decision of this Court in Sudhendu Mohan Talukdar Vs. State of Assam reported in 2006 (2) GLT 216.

Mr. N Rajkhowa, learned standing counsel does not oppose the prayer for consideration of the petitioner's case, by the said Committee.

In view of above, the petitioner is permitted to file a representation for salary alongwith a copy of this order, before the Commissioner & Secretary to the Govt. of Assam, Department of Elementary Education. The Commissioner & Secretary may thereafter facilitate the Committee to consider the petitioner's representation.

The case is disposed of with the above order.