

Heard Mr. M Chanda, learned counsel appearing for the petitioner. Also heard Mr. B Choudhury, learned Standing counsel, Education Department for respondent No.1, Ms. M Bordoloi, learned Standing counsel, BTC for respondent Nos.2,3, 5 and 6 and Ms. K Devi, learned State counsel for respondent No.4.

Considering the grievance raised and as agreed to by the learned counsel appearing for the parties as well as the order which is going to be passed, the writ petition is being disposed of at the motion stage itself.

The petitioner's case in brief is that she is aggrieved for non-consideration of her prayer for voluntary retirement by the authority from the date of submission of her representation i.e. w.e.f. 05.04.2012. The petitioner is aged about 56 years. She has rendered 38 years of service and in the verge of retirement, as such she is entitled for voluntary retirement as per Provision of FR 56 (C). It is further submitted that by now it is a settled position of law that the dissolution of contract of service would be brought about on the date indicated in the notice of voluntary retirement. In the instant case, the petitioner has indicated in her notice dated 05.04.2012 expressing her desire to go for voluntary retirement w.e.f. 05.04.2012. Due to non-consideration of her case for voluntary retirement till date, the anxiety and frustration of the petitioner is increasing day by day. The petitioner has also submitted representation dated 05.04.2012 before the Director, Education, BTC, Kokrajhar. However, the same has not been disposed of till date.

In the above background, the limited prayer of the petitioner is for a direction to the respondent authorities, more particularly, respondent No.3, i.e. the Director, Education, BTC, Kokrajhar to dispose of the representation dated 05.04.2012 within a time frame.

The learned counsel for the respondents have raised no objection to the limited prayer so made by the petitioner.

However, it is submitted by Ms. Bordoloi, learned Standing counsel, BTC that the Secretary, Education, BTC, Kokrajhar is the appropriate authority to dispose of such representation.

Accordingly the petitioner is directed to submit a fresh representation before respondent No.2, i.e. the Secretary, Education, BTC, Kokrajhar ventilating her grievances and to allow her to go on voluntary retirement. The respondent No.2 shall dispose of the representation so submitted by the petitioner in accordance with law within a period of 4(four) weeks from the date of receipt of a certified copy of this order.

The petitioner is at liberty to submit a copy of the representation along with a certified copy of this order as well as a copy of the writ petition with the annexures appended thereto before the respondent No.2 for doing the needful.

With the above direction, this writ petition stands disposed of. No cost.