

WP(C) 3872/2015

BEFORE

HON'BLE MR JUSTICE M.R.PATHAK

Heard Mr. AAR Karim, learned counsel appearing for the petitioner. Also heard Mr . N Sarma, learned Standing counsel, Elementary Education appearing for the respondent Nos. 1 & 2 and Mr. B. Gogoi, learned Standing Counsel, Finance, appearing for the respondent No. 3.

The petitioner was appointed as Superintendent of the Directorate of SCERT, Assam vide Notification No. AEE.92/2012/58-A dated 07.01.2015 issued by the Commissioner & Secretary to the Government of Assam, Elementary Education Department. Subsequent to that the Director of State Council of Educational Research & Training (SCERT), Assam vide his order dated 07.02.2015 allowed the petitioner to hold the current charge of Registrar (i/c) in the Directorate until further order. Later on 19.06.2015, the said Director of SCERT vide his order dated 19.06.2015 withdrawn his earlier order dated 07.02.2015 by which the petitioner was allowed to hold the current charge of Registrar (i/c) in the Directorate due to his irregularity in office attendance. Being aggrieved, the petitioner has preferred this writ petition.

The petitioner's contention is that the impugned order dated 19.06.2015 issued by the the Director of SCERT relieving him from the charge of the Registrar (i/c) of the Directorate is bad in law as the said order has been issued without serving him any show cause notice and in violation of the principles of natural justice.

The petitioner has failed to show as to how the Director of SCERT could have appointed him as the Registrar (i/c) in the Directorate of SCERT, Assam at Guwahati since the Director is not his appointing authority. It is evident from the petition (Annexure-2 to the petition) that it is the Commissioner & Secretary, Government of Assam in the Elementary Education Department is the appointing authority of the petitioner and accordingly, the said Commissioner & Secretary by his order dated 07.01.2015 appointed the petitioner as Superintendent in the Directorate of SCERT, Assam.

As such this petition being devoid any merit stands dismissed.