

BEFORE

THE HON'BLE MR. JUSTICE M.R. PATHAK

Heard Mr. Santanu Das, learned counsel for the petitioner. Also heard Mr. N. Sarma, learned Standing Counsel, Education (Elementary) Department for respondent No. 1 and Mr. G. Goswami, learned Standing Counsel, SSA for the respondents Nos. 2 to 4.

Petitioner has qualified Teacher Eligibility Test (Elementary) in the year 2001-2 conducted by the Education (Elementary) Department of the State. On 12.08.2012, the Mission Director, SSA, Assam, respondent No.2 appointed the petitioner as an Assistant teacher on contractual basis for a period of 5 years and appointed him as an Assistant Teacher in Muliwala Upgraded Lower Primary School under Katlichera Education Block of Hailakandi District. Accordingly, on 06.09.2012 he joined his service in the said school by entering into an agreement with the President of School Managing Committee (SMC) of the said School.

In pursuance of the Government order dated 10.09.2012, the Block Elementary Education Officer cum Block Mission Coordinator, Katlichera, respondent No.4, by his order dated 11.12.2012 allowed the petitioner to hold the charge of Head Teacher cum Member Secretary of said Muliwala Upgraded L.P. School.

On perusal of the report of the BEEO cum BMC, Katlichera, respondent No.4, the District Elementary Education Officer cum District Mission Coordinator, Hailakandi, respondent No.3 by his order dated 27.03.2013 placed the petitioner under suspension with immediate effect pending further enquiry and drawal of departmental proceeding in anticipation to the approval of the Mission Director, SSA, Assam and on 04.07.2013 issued him a Show Cause Notice under Rule 9 of the Disciplinary & Appeal Rules, 1964. On receipt of the same, the petitioner on 17.07.2013 submitted his reply before the respondent No.3 within time.

Thereafter an Enquiry Committee was appointed on 26.08.2013 for conduct of departmental proceeding against the petitioner, who after making the enquiry submitted its report. The Disciplinary Authority, i.e. the DEEO cum DMC, Hailakandi, respondent No.3 from the Enquiry Report submitted by the concerned Enquiry Committee came to a finding that the charges leveled against the petitioner are not substantial and accordingly by his order dated 27.11.2013 exempted the petitioner from the charges leveled against him and reinstated him in his post by vacating the suspension order dated 27.03.2013, treating the period of his suspension as on duty for all practical purpose. Accordingly petitioner rejoined in his post as Head Teacher cum Member Secretary of said Muliwala Upgraded L.P. School.

Subsequent to that, the BEEO cum BMC, Katlichera by an order dated 09.01.2014 temporarily attached the petitioner in 569 Dholai Karapar L.P. School for stop gap arrangement due to retirement and expiry of Head Teacher allowing him to draw his salary from his original school.

In spite of his reinstatement in service by the Disciplinary Authority, the DEEO cum DMC, Hailakandi, w.e.f. 27.11.2013 exempting him from the charges that were leveled against him by vacating the suspension order dated 27.03.2013 and treating the period of his suspension as on duty for all practical purpose, the respondents did not pay his arrear salary for a period of twelve months w.e.f. March 2013 to February 2014. Though approached the respondents on many occasions, but they did not pay any heed to it and being aggrieved, the petitioner has preferred this petition.

Notice in this case was issued on 17.12.2014, but the respondents have not filed any affidavit in the matter.

After hearing the parties, It is directed that the petitioner shall submit a fresh representation stating his grievances before the District Elementary Education Officer cum District Mission Coordinator, Hailakandi, the respondent No. 3 along with a certified copy of this order and the said respondent No. 3 within a period of 90 (ninety days) from the date of receipt of such representation, shall disburse the arrear salary to the petitioner, as entitled and payable to him, after obtaining necessary report from the Block Elementary Education Officer cum Block Mission Coordinator, Katlichera and the concerned Drawing & Disbursing Officer of the petitioner. In this regard, the petitioner may also submit

necessary documents before the authority concerned.

With the aforesaid observation and direction this writ petition stands disposed of.