

HON'BLE MR JUSTICE M.R.PATHAK

Heard Mr. I.H.Hazarika, learned counsel for the petitioner. Also heard Mr. U.K.Goswami, learned Standing Counsel, Secondary Education Department appearing for respondent Nos. 1 to 4.

The petitioner while serving as Assistant Teacher in Reba Kanta Baruah Public High School, Kenduguri, District Jorhat she was placed under suspension vide order dated 09.09.2014 issued by the Inspector of Schools, Jorhat and a disciplinary proceeding was initiated against her. The petitioner being aggrieved with the said suspension order preferred an appeal before the Director of Secondary Education Assam on 05.11.2014. The DSE, Assam by his order dated 29.01.2015 under Rule 23 of the Assam Services (Disciplinary and Appeal) Rules, 1964 revoked the said suspension order of the petitioner dated 09.09.2014 without prejudice to the departmental proceeding that was drawn against her and directed the Inspector of Schools, Jorhat District to complete the same within a period of four months. Accordingly the petitioner re-joined the said school after revocation of her said suspension order. The Inspector of Schools, Jorhat i.e. the Disciplinary Authority by his order dated 06.06.2015 passed the final order in the Disciplinary Proceeding that was initiated against the petitioner, holding that her period of suspension w.e.f. 09.09.2014 to 29.01.2015 shall not be treated as duty leave (i.e. not to be treated as on duty) and consequently stopped her one annual increment that was due in the month of July, 2015. Being aggrieved with the same, the petitioner preferred this alleging that said order dated 06.06.2015 of the Inspector of Schools, Jorhat is not in conformity with and in violation of the Assam Services (Disciplinary and Appeal) Rules, 1964.

It is noted herein that the petitioner without preferring any appeal against the said order dated 06.06.2015 of the Disciplinary Authority approached this Court in this petition.

During the said period an advertisement was issued on 14.05.2015 by the Directorate of Secondary Education for the post of Headmistress/ Headmasters in provincialised High Schools of the State. On the prayer of the petitioner this Court earlier on 25.06.2015 allowed the petitioner to submit her application for Headmaster as advertised on 14.05.2015 and directed the DSE, Assam to allow the participant in the selection process for said post, observing that result of the same shall be subject to the outcome of this petition. Accordingly petitioner appeared in the selection process for the post of Headmaster in R.K.B Public High School and on being enquired it is submitted that the result of said selection process of Headmaster/Assistant Head Master in provincialised High School as advertised on 14.05.2015 have not yet been published.

Considering the entire matter the petitioner is directed to prefer an appeal before the Director of Secondary Education, Assam against the said order of the Disciplinary Authority dated 06.06.2015 on or before 30.04.2016. In the event of such approach by the petitioner within the said specific period, the respondent No. 3, the DSE, Assam shall dispose of the said appeal of the petitioner by a reasoned order in accordance with law on or before 30.06.2016, after giving an opportunity to the petitioner.

The result of selection process for the post of Headmaster/Headmistress of Rebakanta Barua Public High School, Kenduguri, Jorhat wherein the petitioner participated in the selection process shall be subject to the outcome of the said appeal of the petitioner against the said order dated 06.06.2015 of the Disciplinary Authority i.e. Inspector of Schools, Jorhat.

With the aforesaid observations this writ petition stands disposed of.