

GAHC010035732017



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5041/2017

GOKUL CHANDRA SARKAR
S/O LT. JAGADISH CH. SARKAR WORKING AS SUBJECT TEACHER MATHS
NETAJI VIDYA NIKETAN, LANKA P.O. LANKA, DIST HOJAI, NAGAON,
ASSAM

VERSUS

THE STATE OF ASSAM and 10 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION DEPARTMENT, DISPUR, GUWAHATI -671006, ASSAM

2:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI - 781019.

3:THE INSPECTOR OF SCHOOLS

NAGAON DISTRICT COUNCIL
NAGAON
ASSAM

4:THE INSPECTOR OF SCHOOLS

KARBI -ANGLONG DISTRICT
DIPHU
KARBI ANGLONG.

5:THE PRINCIPAL

NETAJI VIDYALAYA NIKETAN H.S. SCHOOL
P.O.LANKA DIST. HOJAI NAGAON

ASSAM

6:SHRI BIMAL CHANDRA PANDIT
PRINCIPAL PUBLIC HIGHER SECONDARY SCHOOL
LANKA DIST. HOJAI
ASSAM

7:SMTI. MOMITA DEY
PRINCIPAL
NETAAJI BIDYA NIKETAN HIGHER SECONDARY SCHOOL
LANKA
DIST. HOJAI
ASSAM

8:SRI DILIP KUMAR CHUBEY
PRINCIPAL
RASTRA BHASA HIGHER SECONDARY SCHOOL
LANKA
DIST. HOJAI
ASSAM

9:SHRI CHIRANJIN SIKDAR
PRESIDENT
SMDC
NETAJI VIDYA NIKETAN H.S SCHOOL
LANKA DIST. HOJAI
ASSAM

10:SMTI. SHIPRA ROY
PRESIDENT
SMDC
PUBLIC H.S. SCHOOL
LANKA
DIST. HOJAI
ASSAM

11:SHRI ROHIT AGARWAL

PRESIDENT
SMDC
RASTRA BHAS H.S. SCHOOL
LANKAD DIST. HOJAI
ASSA

Advocate for the Petitioner : MR.S CHOUDHURY

Advocate for the Respondent : MR.R K DEY R- 8and11

**BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

O R D E R

28.02.2022

Heard Ms. R Medhi, learned counsel for the petitioner, Mr. SMT Chisti, learned counsel for the respondents No. 1, 2, 3 and 4 being the authorities in the Secondary Education Department of the Government of Assam and Mr. J Das, learned counsel for the respondents No. 5 and 7.

2. By this writ petition, the petitioner Gokul Chandra Sarkar had assailed the order dated 02.05.2017 of the Director of Secondary Education, Assam by which the respondent No. 8 Dilip Kumar Chaubey had been appointed as the Principal of Rastra Bhasa Higher Secondary School, Lanka, Nagaon, the order dated 02.05.2017 of the Director by which the respondent No. 6 Bimal Chandra Pandit had been appointed as Principal of Public Higher Secondary School, Lanka, Nagaon as well as the order dated 02.05.2017 of the Director by which the respondent No. 7 Momita Dey had been appointed as Principal of Netaji Bidya Niketan Higher Secondary School. All the respondents were appointed after selection by the State Selection Committee.

3. We have taken note that the petitioner Gokul Chandra Chaubey was aged about 57 years at the time when the writ petition was filed in the year 2017. Mr. SMT Chisti, learned counsel for the respondents in the Secondary Education Department on instruction states that the petitioner had in the meantime been retired from service on 29.02.2020 on attaining the age of superannuation.

4. The prayer in this writ petition is for setting aside the orders by which the respondents were appointed as the respective Principals and thereafter to

review the selection. Even if we agree with the prayer of the petitioner, there would be a requirement to review the selection to include the petitioner. But as he has already retired from service on attaining the age of superannuation, the reliefs claimed by the petitioner in this writ petition cannot be granted.

In view of the above, the writ petition stands closed on being infructuous.

JUDGE

Comparing Assistant