

GAHC010211152018



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

Case No. : Cont.Cas(C)/429/2018

SYEDA PUTALI BEGUM
W/O- SYED ZAKARIA ALI, H.NO. 20, BYE LANE NO 2, F.A.AHMED NAGAR,
PANJABARI ROAD, PANJABARI, GHY-37

VERSUS

SANJIB KUMAR BHUYAN AND ANR.
DIRECTOR OF ELEMENTARY EDUCATION, ASSAM, KAHILIPARA, GHY-19

2:ABDUL JALIL
INSPECTOR OF SCHOOLS
SIVASAGAR DISTRICT CIRCLE
FULESWARI SCHOOL ROAD
SIVASAGAR
ASSAM- 78564

Advocate for the Petitioner : MR. MD S HOQUE

Advocate for the Respondent : MR. A DEKA (R1)

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 28-02-2022

Heard Mr. S. Hoque, learned counsel for the petitioner. Also heard Mr.
A. Deka, learned counsel for the respondent No.1 being the then Director of

Elementary Education, Assam.

This petition is instituted for willful and deliberate violation of the order dated 31.05.2018 in WP(C) 4749/2017. The relevant provision of the order is extracted hereinbelow:-

“In view of the facts stated above and due to consent of the parties herein, this writ petition is disposed off with a direction to the Director of Elementary Education to take a decision with regard to the petitioner’s prayer to grant Medical Leave, Earned Leave along with Extra-ordinary Leave etc. for 1061 days, with effect from 01.02.2001 to 31.12.2003. The Director shall also take a decision whether to allow the petitioner to resume her duties as Assistant Science Teacher at the Kamalalaya Kakoti Girls’ M.E. School, Sivasagar.”

As per the order dated 31.05.2018 in WP(C) 4749/2017, there is a requirement of the Director of Elementary Education, Assam to pass an order on the claim of the petitioner for medical leave, earned leave and extra ordinary leave of 1061 days. But the fact remains is that by the order dated 27.10.2005, the Kamalalaya Kakoti Girl’s M.E School where the petitioner served was amalgamated with Kamalalaya Kakoti Girl’s High Schools. Upon such amalgamation it is for the Director of Secondary Education, Assam and not the Director of Elementary.

In the circumstance, the petitioner instituted I.A.(Civil) 562/2020 for impleading the Director of Secondary Education in this contempt petition but the said application was rejected by the order dated 19.01.2021 on the premises

that the Director of Secondary Education, Assam was not the respondents in WP(C) 4749/2017. In the circumstance, we are unable to proceed further in this petition. Further liberty remains with the petitioner to file appropriate application for modification of the order dated 31.05.2018 in WP(C) 4749/2017 so as to make the order effective against the Director of Secondary Education, Assam.

In view of the above, the contempt petition stands closed.

JUDGE

Comparing Assistant