WP(C) 4201/2010 BEFORE HON'BLE MR. JUSTICE AMITAVA ROY

Heard the learned counsel for the parties.

The rival contentions center around the interpretation of Rule 24(2)(iii) of the Assam Secondary Education (Provincialized) Service Rules, 2003. Though, the leg al purport of the contents of the above provision of the Rules as then embodied in an administrative circular had been earlier analysed by a Division Bench of this Court in its judgment and order dated 22.07.2002 rendered in Writ Appeal No. 98/2002, in the opinion of this Bench, to provide a decisive quiteus to the issue raised herein, it would be appropriate if the matter is laid before a Division Bench.

The petitioner and the Respondent No.4 have exchanged their pleadings. Mr. U.K. Goswami, learned Standing Counsel, Education Department, Govt. of Assam prays for sometime to file the counter on behalf of the State respondents.

The Registry would place this matter before the Division Bench immediately after the Vacation and to be precise on 10.11.2010.