

GAHC010006682024



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

Case No. : WP(C)/164/2024

THE NAVODAYA VIDYALAYA SAMITI AND ANR
DEPARTMENT OF SCHOOL EDUCATION AND LITERACY, GOVERNMENT
OF INDIA, REPRESENTED BY THE COMMISSIONER, B-15, INSTITUTIONAL
AREA, SECTOR-62, NOIDA, DIST- GAUTAM BUDH NAGAR, UTTAR
PRADESH-201309

2: THE DEPUTY COMMISSIONER NAVODAYA VIDYALAYA SAMITI
SHILLONG REGION TEMPLE ROAD BARIK POINT
LACHUMIERE SHILLONG-79300

VERSUS

SALMA SULTANA D/O LT. SHAMSUL HAQUE, R/O VILL-TUKRAPARA,
P.O.-TUKRAPARA, DIST-KAMRUP, ASSAM, PIN-781136

Advocate for the Petitioner : MRS. R S CHOWDHURY

Advocate for the Respondent : MR SHREYAS DAS

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

Date of hearing : 14-05-2024

Date of Judgment & Order : 25-06-2024

JUDGMENT & ORDER(CAV)

(N. Unni Krishnan Nair, J.)

Heard Ms. R. S. Choudhury, learned counsel for the petitioners. Also heard Mr. H. K. Das, learned counsel for the sole Respondent.

2. The petitioners by way of instituting the present proceeding, have presented a challenge to an order, dated 30.05.2023, passed by the learned Central Administrative Tribunal, Guwahati Bench, in Original Application No: 040/00105/2023, admitting the said Original Application for hearing and in the interim, directing that 1(one) post of Post Graduate Teacher(Chemistry), shall be kept vacant till disposal of the said Original Application.

3. This Court, in the proceeding of WP(c)163/2024, has already concluded that the learned Central Administrative Tribunal (CAT), Guwahati Bench, would have jurisdiction to consider the issue as arising in the matter and the challenge as made by the petitioners, herein, to an order, dated 24.05.2023, passed by the learned Tribunal, Guwahati Bench, holding that the said learned Tribunal had jurisdiction to consider the issues arising in the said Original Application, was negated by this Court.

4. It is found that in view of the decision of this Court in WP(c)163/2024; the admission of the said Original Application for hearing by the learned Tribunal, vide the order, dated 30.05.2023, would not call for any interference.

5. Further, the directions as passed by the learned Central Administrative Tribunal(CAT), Guwahati Bench, in the above-noted Original Application, to keep 1(one) post of Post Graduate Teacher(Chemistry) vacant being only in the nature of an interim direction and the Original Application having not been so considered on merits; we are of the considered view that the order, dated 30.05.2023, would not require any interference from this Court.

6. Having concluded that the order, dated 30.05.2023, would not require any interference from this Court; the learned Central Administrative Tribunal(CAT), Guwahati Bench, is requested to expeditiously consider the issue as arising in the proceedings of Original Application No: 040/00105/2023, upon hearing the learned counsels appearing for the parties and to render its decision in the matter.

7. With the above directions and observations, this writ petition stands disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant