

GAHC010025382024



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

**Case No. : WP(C)/759/2024**

SHUBHASHISH CHAKRABORTY  
S/O- LATE SASHANKA CHAKRABORTY, ASSISTANT TEACHER, NO. 45  
WEST JALENGA TE LP SCHOOL, HOUSE NO. 70-A, NARSING ROAD WEST,  
AMBICAPATTY, PO G C COLLEGE, AMBICAPUR PART IV, CACHAR, ASSAM,  
PIN- 788004

VERSUS

THE STATE OF ASSAM AND 6 ORS  
REPRESENTED BY THE SECRETARY, TO THE GOVT. OF ASSAM,  
DEPARTMENT OF SCHOOL EDUCATION, (ELEMENTARY EDUCATION),  
DISPUR, GUWAHATI, ASSAM, PIN- 781006

2:THE DIRECTOR OF ELEMENTARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI  
ASSAM  
PIN- 781019

3:THE DISTRICT COMMISSIONER  
CACHAR  
SILCHAR  
ASSAM  
PIN- 788001

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER  
CACHAR  
SILCHAR  
ASSAM  
PIN- 788003

5:THE DEPUTY INSPECTOR OF SCHOOLS  
SILCHAR

DIST. CACHAR  
ASSAM  
PIN- 788001

6:THE BLOCK ELEMENTARY EDUCATION OFFICER  
NARSINGPUR EDUCATION BLOCK  
NUTAN BAZAR  
DIST. CACHAR  
ASSAM

7:THE BLOCK ELEMENTARY EDUCATION OFFICER  
SONAI EDUCATION BLOCK  
SONAI BAZAR  
DIST.- CACHAR  
ASSAM

**Advocate for the Petitioner** : MR. B Purkayastha

**Advocate for the Respondent** : SC, ELEM. EDU

**BEFORE**  
**HON'BLE MR. JUSTICE SOUMITRA SAIKIA**  
**ORDER**

**21.02.2024**

Heard Mr. B Purkayastha, learned counsel for the petitioner.

2. This writ petition is filed by the petitioner being aggrieved by the order dated 21.10.2023 whereby the petitioner was transferred from No. 45 West Jalenga LP School under Narsingpur Education Block to No. 1111 Baramamda LP School under Sonai Education Block.

3. The learned counsel for the petitioner submits that as per transfer policy brought in by the State Government by OM dated 23.06.2021, there are certain specified grounds for transfer. This OM is brought under the provision of the Assam Elementary and Secondary School Teachers (Regulation of Posting and Transfer) Act, 2020. The learned counsel for the petitioner submits that on the basis of this OM, he applied for online transfer on the ground that his mother is an elderly person and therefore he wanted

transfer within the district of Cachar and Silchar Urban Block. However, ignoring his requests, the impugned order was passed and he is now posted in a very remote location and he is facing undue hardship in commuting from his residence to school and back.

4. The learned counsel for the petitioner submits that all these grievances have been ventilated by the petitioner by filing a representation as far back as 26.12.2023. However, the said representation filed by the petitioner and two other persons have remained pending and no orders have been passed modifying the transfer order. Being aggrieved, he has approached this Court.

5. Mr. P.N. Sharma, learned Standing Counsel, Elementary Education Department submits that he has no instructions as on date. He therefore prays for further time to complete his instructions.

6. Having heard the learned counsel for the parties and upon due perusal of the pleadings of the writ petition along with the enclosures, it is seen that the transfer order was brought under the OM dated 23.06.2021. The grounds seeking transfer along with timeline for online application and process have all been prescribed in the said OM. The grounds on which transfer may be sought for are as under:

*“(a) For a change of residence due to marriage;*

*(b) For looking after elderly and ailing parents;*

*(c) For safety and security of female Teachers;*

*(d) For treatment of the Teacher and/or their dependents;*

*(e) For the reasons as mentioned in Point 7 of the OM, based on Section 7 of the Act;*

*(f) For any other specific and justifiable ground.”*

7. This OM also lays down the PTR norms to be maintained and the criteria for consideration of inter-district transfer and procedure thereof.

8. The grievance of the writ petitioner is that he had applied for transfer at her own request in Silchar Block. However, the impugned order which was issued posted her to a very remote area without assigning any reasons as to why the petitioner's prayer for being placed in the Silchar Block was not considered. It is also seen that a representation has been filed by the petitioner along with two others which is stated to be have been pending before the Director, Elementary Education. The representation was filed on 26.12.2023.

9. If that be so then the writ petition can be disposed of at this stage with a direction to the Director, Elementary Education to expeditiously dispose of the representation dated 26.12.2023 stated to be pending before the Director and pass a reasoned speaking order on the grievances raised by the writ petitioner in respect of her prayer seeking a transfer in the Silchar Block.

10. The Director will dispose of this representation within a period of 15 (fifteen) days from the date of receipt of a certified copy of this order and any order that is passed, copies thereof will be served on the writ petitioner.

11. With the above observation, the writ petition stands disposed of. No order as to cost.

12. Till the representation is disposed of as directed above, the impugned order dated 21.10.2023 shall not be acted upon.

**JUDGE**

**Comparing Assistant**