
(2006) 06 GAU CK 0052
In the Gauhati High Court

Lairenjam Angou Singh

APPELLANT

Vs

State of Manipur Represented by the Commissioner
Education(S)

RESPONDENT

Date of Decision : 07-06-2006

Acts Referred:

Citation : (2006) 06 GAU CK 0052

Hon'ble Judges : T.Nanda kumar Singh, J

Bench : Single Bench

Advocate : Th.Ibohal Singh, N.Surendrajit Singh, Advocates appearing for Parties

Judgement

1. Heard Mr. N. Surendrajit Singh, learned counsel for the petitioner as well as Mr. Th. Ibohal Singh, learned G.A. appearing on behalf of the respondents 1, 2 and 3.

2. Considering the nature of the present writ petition, the writ petition is taken up for disposal at this stage.

3. The factual panorama of the petitioner's case is that the petitioner was initially appointed as substitute teacher (Primary) vide Govt. Order No. 46/8/84ED (V) dt. 31.10.1986. Later on his substitute appointment was regularized on the recommendation of the 2nd special ClassIII DPC vide Govt. order No. 5/3/87ED(S) dtd. 24.6.1991.

4. It is also the case of the petitioner that he was serving all alone in the entire hill areas in the State of Manipur. While he was serving as Primary Teacher in Jiribam, the Commissioner Education(S), Govt. of Manipur issued an order being No. 10/1/2000SE(S) dated 29th April, 2006 for transferring him from L.P. School, Jiribam as Primary Teacher to Teramakhong L.P. School vice Shri T. Ahanjao Singh (Retired), copy of which is available at AnnexureA/1 to the writ petition. The writ petitioner is ready to join at his new place of posting at Teramakhong L.P. School in pursuance of the transfer order dated 29th April, 2006, but because of the failure on the part of the Zonal Education Officer, Jiribam, Govt. of

Manipur to issue the necessary release order for releasing the petitioner from L.P. School, Jiribam, he cannot join to the new place of posting. The writ petitioner also filed a representation dated 4.5.2006 to the Zonal Education Officer, Jiribam, Govt. of Manipur to issue the release order for releasing him from the L.P. School, Jiribam in pursuance of the said order of the Govt. of Manipur dated 29th April, 2006. But for the reasons best known to the Zonal Education Officer, Jiribam, he has not yet issued the release order. This court is also of the considered view that it is the bounden duty of the Zonal Education Officer, Jiribam to act in pursuance of the order of the Govt. of Manipur dated 29th April, 2006 but for the reasons best known to him, the Zonal Education Officer, Jiribam does not act anything in pursuance of the Govt. order dated 29.4.2006. The present case is a clear case of insubordination in the hierarchy of officers in the Govt. of Manipur.

5. Taking into consideration of the submissions of the learned counsel for the parties as well as perusal of the case of the petitioner in the present writ petition, the Zonal Education Officer, Jiribam is directed to issue necessary order(s) for releasing the petitioner from L.P. School, Jiribam in pursuance of the said order of the Government of Manipur dated 29th April, 2006 within 1(one) week from the date of receipt of the certified copy of this judgment and order provided that the said order dated 29.4.2006 is still in force.

6. With the above observations and directions, this writ petition is allowed. Parties to bear their own costs.