

WP(C) No. 71/2014

HON'BLE THE CHIEF JUSTICE

13.02.2014

Ms. S.G. Momin, Advocate, present for the petitioners.

Shri. K.P.Bhattacharjee, Advocate, present for respondents No. 1 and 2.

Shri. S. Sen, Advocate, present for respondents No. 3 and 4.

Learned counsel for the respondents No. 3 and 4 prays for and is allowed further 3 (three) weeks' time to file counter affidavit.

List after 3 (three) weeks.

CHIEF JUSTICE

Sylvana

CRL.PETN No. 42/2013

HON'BLE THE CHIEF JUSTICE

13.02.2014

Ms. A. Thangkhiew, Advocate, present for the petitioners.

Shri. P. Yobin, Advocate, present for the respondents.

Heard.

Admit the petition.

Affidavits have already been exchanged.

List this petition under section 482 CRPC for final hearing on 21.02.2014.

CHIEF JUSTICE

Sylvana

CRL.PETN No. 43/2013

HON'BLE THE CHIEF JUSTICE

13.02.2014

Ms. A. Thangkhiew, Advocate, present for the petitioners.

Shri. P. Yobin, Advocate, present for the respondents.

Heard.

Admit the petition.

Affidavits have already been exchanged.

List this petition under section 482 CRPC for final hearing on 21.02.2014.

CHIEF JUSTICE

Sylvana

CRL.PETN No. 44/2013

HON'BLE THE CHIEF JUSTICE

13.02.2014

Ms. A. Thangkhiew, Advocate, present for the petitioners.

Shri. P. Yobin, Advocate, present for the respondents.

Heard.

Admit the petition.

Affidavits have already been exchanged.

List this petition under section 482 CRPC for final hearing on 21.02.2014.

CHIEF JUSTICE

Sylvana

CRL. No. 5 of 2010

13-2-2014

HON'BLE THE CHIEF JUSTICE

Adjourned at the request of Shri A.B.Choudhury, Sr. Advocate,
present for the appellant.

List on 25-2-2014 for final hearing.

CHIEF JUSTICE

S.Rynjah

MC[WP(C)]. No. 20 of 2014

In WP(C) No. 31 of 2014

13-2-2014

HON'BLE THE CHIEF JUSTICE

In view of the interim order of the date passed in WP(C) No. 31 of 2014, this MC[WP(C)]. No. 20 of 2014 stands disposed of.

CHIEF JUSTICE

S.Rynjah

MC[WP(C)]. No. 21 of 2014

In WP(C) No. 32 of 2014

13-2-2014

HON'BLE THE CHIEF JUSTICE

In view of the order of the date passed in WP(C) No. 32 of 2014, this MC [WP(C)]. No. 21 of 2014 stands disposed of.

CHIEF JUSTICE

S.Rynjah

MC[WP(C)]. No. 18 of 2014

In WP(C) No. 278 of 2013

13-2-2014

HON'BLE THE CHIEF JUSTICE

Shri KC Gautam, Advocate, present for the petitioner.

Shri ND Chullai, Sr. Advocate, present for the respondents.

Heard.

By means of this application, the writ petitioner/applicant has sought to make correction in array of parties in writ petition No. 278 of 2013.

The prayer is innocuous as instead of impleading the Officers by name, the petitioner has sought to correct the array of parties by impleading the respondents by their designation only.

Therefore, amendment application is allowed. Amendment be carried out in the writ petition during the course of the day.

MC[WP(C) No. 18 of 2014 stands disposed of.

CHIEF JUSTICE

S.Rynjah

WPC. No. 31 of 2014

13-2-2014

HON'BLE THE CHIEF JUSTICE

Shri AS Siddique, Advocate, present for the petitioner.

Shri AH Hazarika, Govt. Advocate, present for the respondents.

Heard.

By means of this writ petition, the petitioner has challenged the impugned order dated 30-1-2014 passed by the District School Education Officer, West Garo Hills, Tura whereby the Managing Committee constituted for Bhaitbari Madrassa Deficit (Upper Primary and Secondary) School was cancelled but the same Committee was allowed to continue in respect of the Secondary Madrassa section of the School.

Learned counsel for the petitioner drew attention of this court to the earlier order of the District School Education Officer, West Garo Hills, Tura whereby the Managing Committee constituted for Bhaitbari Madrassa School was recognized for Upper Primary and Secondary Sections vide its order dated 18-4-2013, and the term of the Managing Committee is to expire on 17-3-2016.

Learned counsel for the respondents submitted that a separate Managing Committee is required for Upper Primary section of the school.

However, in reply to the above, learned counsel for the petitioner drew attention of this court to Sub-section (1) of Section 11 of the Assam Education Department Rules and Orders which allows a single Managing Committee to govern a school having higher and middle sections.

Admit the petition.

Learned counsel for the respondents prays for and is allowed to file the counter affidavit within a period of 4(four) weeks.

List after 4(four) weeks. Meanwhile, as an interim measure, it is directed that the operation of the impugned order dated 30-1-2014 shall remain stayed till the next date of listing, or the date of expiry of term of the Managing Committee, whichever is earlier.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 32 of 2014

13-2-2014

HON'BLE THE CHIEF JUSTICE

Shri S.Nath, Advocate, present for the petitioner.

Shri. SC Shyam, Sr. Advocate, present for the respondents.

Heard.

By means of this writ petition, the petitioner has sought writ in the nature of Certiorari quashing the impugned order dated 5-7-2013 issued by respondent No.2 and consequential order dated 6-11-2013 withdrawing the promotion given to the petitioner w.e.f. 2005.

Learned counsel for the petitioner submitted that the promotion given to the petitioner in 2005 is being withdrawn after so many years without any just and proper reason.

Perusal of the papers on record shows that the respondent-authorities have mentioned that by the impugned order only rectification is sought to be made as the petitioner's promotion was due only in 2006, and not in 2005 as he had not completed 18 years of service on 1-1-2005.

It is argued before this court on behalf of the petitioner that the petitioner had completed 18 years of service in the year 2005 itself before promotion order was passed. It is not a case of misrepresentation on the part of the petitioner. Rather, it is a case of error if any, committed by the authorities concerned.

In the above circumstances and in view of the principle of law laid down in ***Shiba Shankar Mohapatra vrs State of Orissa (2010) 12 SCC page 471***, this matter requires due consideration.

Admit the petition.

Learned counsel for the respondents prays for and is allowed 4(four) weeks' time to file the counter affidavit.

List after 4(four) weeks. Meanwhile, as an interim measure, it is directed that operation of the impugned order dated 5-7-2013 passed by respondent No.2 and the consequential order dated 6-11-2013 are stayed till the next date of listing.

S.Rynjah

(Prafulla C Pant)
CHIEF JUSTICE

WP(C). No. 83 of 2010

13-2-2014

HON'BLE THE CHIEF JUSTICE

Adjourned at the request of Ms. P.Das, Advocate, present for the petitioner.

List on 27-2-2014 for final hearing.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 278 of 2013

13-2-2014

HON'BLE THE CHIEF JUSTICE

In view of the order of the date passed in MC[WP(C)] No. 18 of 2014, corrections be made in this writ petition during the course of the day.

List after one week.

CHIEF JUSTICE

S.Rynjah