

THE GAUHATI HIGH COURT
 (HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA
 MIZORAM AND ARUNACHAL PRADESH)
 ITANAGAR PERMANENT BENCH
NAHARLAGUN

Appeal from
 Writ Petition (Civil)

WPC No. 03.. (AP) 2011

Smti Nijam Lego

-Versus-

State of Assam & Mrs

Appellant
 Petitioner

Respondent
 Opposite Party

Counsel for the Appellant
Petitioner

Mr. T. Pertin
 " A.K. Singh
 " S. Tapin
 " L. Tengin
 " A. Nima

Counsel for the Respondent
Opposite Party

C.A.

Noting by Officer or Advocate	Serial No.	Date	Office, note, reports, orders or Proceeding with signature
(1)	(2)	(3)	(4)

IN THE MATTER OF:

Smti Miyam Lego, aged about 26
Years, W/o Shri Karik Perme
Presently serving as Junior Teacher
[Hindi], Govt. Secondary School,
Buragaon, West Siang District,
Arunachal Pradesh.

- **Petitioner.**

-VERSUS-

1. The state of Arunachal Pradesh
represented by the Secretary,

Department of Education, Govt. of
Arunachal Pradesh, Itanagar.

2. The Director, Directorate of
School Education, Govt. of Arunachal
Pradesh, Itanagar.

3. The Deputy Director of School
Education, Bomdila, West Kameng
District, Arunachal Pradesh.

--- **Respondents.**

Filing by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4

WP(C) 03 (AP) 2011

BEFORE
THE HON'BLE MR. JUSTICE P.K.MUSAHARY

[12th January, 2011]

Heard Mr. T. Pertin, learned counsel for the petitioner and Mr. N. Lowang, learned Addl. Senior Govt. Advocate appearing on behalf of the official respondents.

The simple prayer of the petitioner is that she may be released from Govt. Secondary School, Buragaon, West Kameng District as per transfer and posting order No.ES.2/429/APT/08 dated 13-12-2010 to enable her to join at Govt. Middle School, Bomjir, Lower Dibang Valley District on medical ground. A copy of the medical certificate has been furnished to the effect that the petitioner is expecting delivery of child on 05-03-2011 and in fact the aforesaid transfer order was made on her request on the medical ground.

It is stated that the Deputy Director of School Education, West Kameng District, Bomdila inspite of direction from the higher authorities namely, the Director of School Education, Government of Arunachal Pradesh has not complied with the said transfer and posting order by releasing the petitioner from the aforesaid School. There is no instruction to the effect that the aforesaid transfer and posting order has been cancelled or modified by the authorities concerned. It can, therefore, be said that the aforesaid transfer order is still in force.

In view of the above, the Respondent No.2, namely, Director of School Education, Govt. of Arunachal Pradesh, Itanagar is directed to issue an order to the Deputy Director of School Education,

Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
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West Kameng District, Bomdila to release the petitioner from Govt. Secondary School, Buragaon immediately to enable her to join at Govt. Middle School, Bomjir, Lower Dibang Valley District and if the aforesaid Dy. Director of School Education fails to comply with the same, the Director of School Education shall take appropriate action against him.

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


JUDGE

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