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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. 250 (AP) 2010

Miss Dorjee Edron
 -Versus-
 The State of AP & BS

Appellant
 Petitioner

Respondent
 Opposite Party

Counsel for the Appellant
Petitioner

A. Apang
 L. Lombi
 T. Tamang
 J. Bagra
 R. Vijay

Counsel for the Respondent
Opposite Party

GA (AP)

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

Miss Dorjee Edron, Sangti Village,
P.O & P.S. Dirang, District West
Kameng, Arunachal Pradesh.

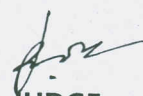
.....Petitioner.

- V E R S U S -

1. The State of Arunachal Pradesh
represented by the
Commissioner, Department of
Education.
2. The Director, School Education,
Govt. of Arunachal Pradesh,
Itanagar.
3. The Deputy Director School
Education, West Kameng District,
Bomdilla, Arunachal Pradesh.
4. Smti Lakhpa Droma,
W/O Shri Lobsang Sonam,
Sangti Village,
P.O & P.S. Dirang,
District West Kameng,
Arunachal Pradesh.

.....Respondents

Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4
			<p style="text-align: center;">WP(C) 250 (AP) 2010</p> <p style="text-align: center;"><u>BEFORE</u> THE HON'BLE MR. JUSTICE P.K.MUSAHARY</p> <p><i>[12th January, 2011]</i></p> <p>Heard Ms. L. Lombi, learned counsel for the petitioner and also heard Ms. A. Mize, learned Govt. Advocate appearing on behalf of the State respondents. None appears on behalf of the private respondent No.4.</p> <p>The petitioner's case is that she was engaged as AYA on contingency basis in the year 2004 and she has been allowed to continue as contingency AYA till she was discontinued by the impugned order dated 31-05-2010 issued under Memo No ED.559/95/VOL-IV/341-45 by the Deputy Director of School Education, West Kameng District, Bomdila. In her place, the private respondent No.4 was appointed as AYA in Govt. Primary School, Sangti with immediate effect.</p> <p>It is submitted by Ms. Lombi, learned counsel for the petitioner that the impugned order discontinuing the service of the petitioner has been made as a measure of punishment inasmuch as it is stated in the impugned order that the petitioner was not discharging her duties and always remaining absent from duties. Such order, according to Ms. Lombi, cannot be passed without issuing any show cause notice or providing opportunity of hearing and as such, the same is liable to be quashed.</p> <p>Ms. A. Mize, learned State Counsel, on the other hand, submits that a contingency staff has no right to hold the post and such service is terminable at any time without assigning any reason and as such no show cause notice or opportunity of hearing need be provided for discontinuation of the service of the petitioner.</p> <p>I have closely perused the impugned order dated 31-05-2010. The discontinuation of service of the petitioner has been made as she was not discharging duties and always remaining absent from here duties. A stigma has</p>

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			<p>been cast on the petitioner inviting civil consequences. The impugned order is not simpliciter and no such order of discontinuation can be passed unless the person concerned is given notice asking her to show cause and opportunity of hearing. In the affidavit filed by the respondent authorities, there is nothing to indicate that any such opportunity of hearing was provided to petitioner. In this case the basic Principle of Natural Justice has not been followed before passing the impugned order of discontinuation of service and replacing her by private respondent No.4</p> <p>In view of the above facts and circumstances of the case, the aforesaid impugned order dated 31-05-2010 cannot be allowed to sustain and accordingly, it is quashed and set aside.</p> <p>The petitioner shall be re-engaged as contingency AYA cancelling the engagement of private respondent No.4. There shall be no bar to engagement of the private respondent No.4 as contingency staff against any available vacancy, if so required.</p> <p>The petition stands allowed.</p> <p style="text-align: right;">  JUDGE </p> <p>sd</p>