

GAHC010004502023



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

Case No. : WP(C)/145/2023

DIPULINA GOGOI
W/O JAI PRAKASH LAHAN R/O VILL. KEKURI P.O. CHAMARJAN P.S.
BARDOLONI DIST. DHEMAJI ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
ELEMENTARY EDUCATION DEPTT. DISPUR GUWAHATI-6

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM KAHILIPARA GUWAHATI-19

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER DHEMAJI
PIN-787059

4:THE DEPUTY INSPECTOR OF SCHOOLS DHEMAJI
PIN-787059

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
DHEMAJI

6:THE HEAD MASTER OF MAHATMA GANDHI M.E. SCHOOL (NOW
AMALGAMATION) SILAPATHAR DIST. DHEMAJI
DIST. DHEMAJI ASSA

Advocate for the Petitioner : MR. A KHANIKAR

Advocate for the Respondent : SC, ELEM. EDU

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

09/01/2023

Heard Mr. A Khanikar, learned counsel for the petitioner and Mr. P K Bora, learned Standing counsel, Department of School Education (Elementary), Assam for the respondent Nos. 1 to 5.

It is stated that the petitioner obtained B.A. Degree from the Dibrugarh University in the year 2005, B.Ed. Degree in August, 2022 from DIET, Dhemaji, 2 (two) years Diploma in Elementary Education in the year 2016 from K.K. Handique State Open University, Assam and also passed Upper Primary TET held in January, 2012. In addition to that the petitioner has obtained Visarad in the year 2012 and Prabin in the year 2014 in the subject of Hindi from the Assam Rastrabhasa Prasara Samity, Guwahati.

Pursuant to the advertisement– A dated 21.11.2012 issued by the Director of Elementary Education, Assam, the petitioner applied for the post of regular Hindi Teacher in Upper Primary Schools in the District of Dhemaji and on her selection, the Director of Elementary Education, Assam by order dated 28.06.2013 appointed her as Hindi Teacher in the Mahatma Gandhi M.E. School in the District of Dhemaji.

It is placed before the Court that pursuant to the said advertisement – A dated 21.11.2012, the requirement for Hindi Teacher for Upper Primary School was – Graduate Degree from the UGC recognized University having Hindi as one of the subjects and TET qualified [Ministry of Human Resource Development (MHRD), Government of India relaxed professional qualification, i.e., 2 years Diploma in Elementary Education till 31.03.2015 and further, relaxed the minimum teacher qualification for Graduate candidates laid down by the NCTE Notification dated 23.08.2010. As per the said relaxation, a candidate having graduation from any UGC recognized University can apply irrespective of marks obtained in graduation].

The said advertisement – A dated 21.11.2012 further specified that those who have B.Ed. degree or 2 years Diploma in Elementary Education from recognized Institutes and those who have Diploma in Elementary Education (Special Education) or B.Ed. (Special Education) qualification shall get preference.

From her mark-sheet with Roll 21 No. A-202 with regard to her B.A. 3 years Examination,

2005 issued by the Digbrugarh University, it is seen that the petitioner did not have Hindi as one of her subject in her graduation. However, petitioner obtained 'Visarad' and 'Prabin' in Hindi from the Assam Rastrabhasa Prasar Samity, Guwahati in the year 2012 and 2014, noted above.

Petitioner stated that some of such candidates those who have obtained 'Visarad' and 'Prabin' from Assam Rastrabhasa Prasar Samity, Guwahati and were appointed as Hindi Teachers in provincialised Upper Primary Schools in the State of Assam pursuant to the said advertisement – A dated 21.11.2012 issued by the Director of Elementary Education, Assam have been terminated from service.

It is stated by the petitioner that Visarad and Prabin degree from the Assam Rastrabhasa Prasar Samity, Guwahati are not recognized by the NCTE.

Since, the Director of Elementary Education, Assam directed the petitioner to appear before the Committee on 28.12.2022 to verify her original documents pertaining to educational and professional qualification with regard to the appointment order dated 28.06.2013 issued by the Director of Elementary Education, Assam, apprehending such termination from her service as an Upper Primary Hindi Teacher in Mahatma Gandhi M.E. School (which has now been amalgamated with Mahatma Gandhi High School), the petitioner has preferred this writ petition.

Since this writ petition has been filed only on apprehension that too with regard to the verification of her educational testimonials, the Court is not inclined to entertain this writ petition at this stage, being premature, considering the fact that the petitioner was earlier appointed as a Hindi Teacher in a provincialised Upper Primary School by an order dated 28.06.2013 issued by the Director of Elementary Education, Assam, more than 7 ½ years back and since then, she is a Government employee. There is appropriate Rules in force for initiation of departmental proceeding of a Government employee.

Considering the above, this writ petition, being premature, stands rejected.

It is made clear that the petitioner is always at liberty to approach the appropriate forum for redressal of her grievances, if any such punitive order is passed by the respondent authorities on verification of her testimonials.

JUDGE

Comparing Assistant