

GAHC010036942023



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

Case No. : WP(C)/1245/2023

SULTANA BEGUM LASKAR AND ANR
W/O- JAHIDUL HAQUE BARBHUIYA, VILL- SRIPUR PART-I, P.O. FULBARI,
P.S. KATIGORAH, DIST.- CACHAR, ASSAM

2: FARHINA BEGUM BARBHUIYA
D/O- ISLAM UDDIN BARBHUIYA
VILL- NIZ FULBARI PT.III
P.O. FULBARI
P.S. KATIGORAH
DIST.- CACHA

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE SECY. TO THE GOVT. OF ASSAM, ELEMENTARY EDUCATION
DEPTT., DISPUR, GHY-6

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

3:THE STATE LEVEL SCRUTINY COMMITTEE
REP. BY ITS CHAIRMAN
THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

4:THE MISSION DIRECTOR
SSA
ASSAM
KAHILIPARA
GUWAHATI-1

Advocate for the Petitioner : MR. A M S MAZUMDER

Advocate for the Respondent : SC, ELEM. EDU

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

10-03-2023

Heard Mr. A. M. S. Mazumdar, learned counsel for the petitioners and Mr. G. Pegu, learned Standing Counsel, Department of School Education for the respondent Nos. 1 and 2. Also heard Ms. D. Das Barman, learned Government Advocate, Assam for the respondent No.3 as well as Mr. B. Gogoi, learned Standing Counsel, SSA, Assam for the respondent No.4.

Petitioners submitted that they were appointed as Assistant Teachers at Sripur Fulbari Venture L.P. School at Daspara in the Katigorah Education Block of District Silchar during its venture stage.

Though the District Scrutiny Committee recommended their names for provincialisation of their services under the provision of the *Assam Education (Provincialisation of Services of Teachers And Re-Organisation Of Educational Institutions) Act, 2017*, but the State Level Scrutiny Committee rejected the claim of the petitioners for their provincialisation as their names did not figure in the DISE date maintained by NEUPA at New Delhi upto the year 2016-17.

Said decision of the State Level Scrutiny Committee was communicated to the petitioners by the Director of Elementary Education, Assam vide communication dated 10.06.2022. Against such decision of the State Level Scrutiny Committee the petitioners on 19.12.2022 filed an appeal under Section

14 of the *Assam Education (Provincialisation of Services of Teachers And Re-Organisation Of Educational Institutions) Act, 2017*.

As the matter did not progress thereafter, the petitioners have preferred this writ petition.

Section 14 of said 2017 Act relates to "Appellate Authority", which reads as follows-

"Appellate Authority:-

The State Level Scrutiny Committee shall be the appellate authority against any recommendation of the District Scrutiny Committee and the State Government in the concerned administrative department shall be the Appellate Authority against any recommendation of the State Level Scrutiny Committee."

After hearing the learned counsels for the parties and considering the entire aspect of the matter, this writ petition is disposed of at the motion stage itself directing the Secretary to the Government of Assam in the Department of School Education (Elementary) to dispose of the appeal of the petitioners submitted before him on 19.12.2022 with a reasoned order within a period of 60 (sixty) days from the date of receipt of a certified copy of this order to be furnished by the petitioner after verifying the relevant records and giving an opportunity of hearing to the petitioners, if so required.

Further, the Secretary to the Government of Assam in the Department of School Education (Elementary) shall intimate the petitioners about the outcome of their said appeal.

The petitioners shall submit a certified copy of this order along with a copy of their appeal dated 19.12.2022 before the Secretary to the Government of Assam in the Department of School Education (Elementary) on or before

30.03.2023 obtaining necessary acknowledgement from the said authority in that regard.

With the above observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant