

GAHC010048772021



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

Case No. : WP(C)/2259/2021

AMRITPUR M.E. SCHOOL AND ANR.
REP. BY ITS HEAD MISTRESS NAMELY SMTI. NILAKHI CHUTIA

2: NILAKHI CHUTIA
W/O- DIPUL CHUTIA
R/O- VILL- CHOWKHANTING
P.O. SISSI BORGAON
DIST.- DHEMAJI
ASSAM
PIN- 78711

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION
(ELEMENTARY) DEPTT., DISPUR, GHY-6

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

3:THE DISTRICT LEVEL SCRUTINY COMMITTEE
REP. BY THE DY. COMMISSIONER
DHEMAJI
ASSAM
PIN- 787110

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DHEMAJI
ASSAM

PIN- 787110

5:THE DY. INSPECTOR OF SCHOOLS
DHEMAJI
DIST.- DHEMAJI
ASSAM
PIN- 787110

6:THE BLOCK ELEMENTARY EDUCATION OFFICER
DHEMAJI
DIST.- DHEMAJI
ASSAM
PIN- 78711

Advocate for the Petitioner : MR A A DEWAN

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 07.06.2023

Heard Mr. A.A.Dewan, learned counsel for the petitioners. Also heard Ms. N.Phukan, learned standing counsel, Elementary Education for the respondent Nos. 1, 2, 4, 5 and 6 and Mr.G.Bokolial, learned Govt. Advocate appears for the respondent No.3.

The Amritpur M.E. School was established in the year 1991. The Director of Elementary Education, Assam by order dated 19.12.2005 temporarily recognized the said School w.e.f 01.01.2005. Thereafter, in terms of the Assam Education (Provincialisation of Services of Teachers and Re-organization of Educational Institutions), Act 2017, (Act of 2017 in short), the District Scrutiny Committee, Dhemaji verified the status of the schools in the district of Dhemaji

and thereafter submitted a proposal to the Director of Elementary Education, Assam for provincialisation of the services of teachers/tutors of lower/upper Primary Venture Educational Institutions under Dhemaji district including the school of the petitioner. However, as till date, no finalization of the provincialisation of the said school in terms of the recommendation of the District Level Scrutiny Committee is yet to take place, the petitioner is before this Court.

Ms. N.Phukan, learned standing counsel, Elementary Education has produced a communication dated 06.06.2023, written by the Director of Elementary Education, Assam which indicates that the recognition order of Amritpur M.E. School is found to be doubtful upon verification and as there is no record available regarding issuance of the said recognition order in respect of Amritpur M.E. School from the Directorate, the services of the Teachers against Amritpur M.E. School was not recommended by the State Level Scrutiny Committee for provincialisation of the services in terms of the Act of 2017. It is further stated that in order to ascertain the matter, the Director of Elementary Education, Assam issued letters to the Head Master of Amritpur M.E. School and the District Elementary Education Officer, Dhemaji to furnish the original copy of the recognition order to the Directorate for further verification. However, there is no response till date.

Considering the communication dated 06.06.2023, this writ petition is disposed of directing the Head Master of Amritpur M.E. School as well as the District Elementary Education Officer, Dhemaji, to furnish the original copy of the recognition order of the Amritpur M.E. School to the Director Elementary Education, Assam within a period of 3(three) weeks from today. Thereafter, after verification, if the recognition order is found to be genuine, necessary

steps should be taken at the earliest for provincialisation of the services of the teachers of the said Amritpur M.E. School.

With the aforesaid directions, this writ petition is disposed of.

JUDGE

Comparing Assistant