

GAHC010262622022



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

Case No. : WP(C)/2803/2021

NILAKANTHA TALUKDAR
S/O- LT. BENUDHAR TALUKDAR
VILL-PIJUPARA
P.O. NAGARBERA
P.S. NAGARBERA
DIST.- KAMRUP (R)
PIN- 781127
ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
EDUCATION (ELEMENTARY) DEPTT.
DISPUR
GHY-06

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

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER (DEEO)
KAMRUP (R) DISTRICT
PIN- 781382

4:THE BLOCK ELEMENTARY EDUCATION OFFICER
CHAMARIA
KAMRUP (R) DISTRICT
PIN- 781126

5:THE STATE LEVEL HIGH POWER COMMITTEE
REP. BY THE SENIOR MOST SECRETARY TO THE GOVT. OF ASSAM
EDUCATION DEPTT.
GHY-06

6:THE DISTRICT SCRUTINY COMMITTEE

REP. BY ITS CHAIRMAN CUM DY. COMMISSIONER
AMINGAON DISTRICT
PIN- 781380
7:ROKIBUDDIN AHMED
(ASSTT. TEACHER) MADAN CHANDRA DAS M E SCHOOL
PIJUPARA
CHAMARIA BLOCK
NAGARBERA
KAMRUP (R)
PIN- 781127
8:JOYPRAKASH THAKURIA
(LANGUAGE TUTOR) HEADMASTER
MADAN CHANDRA DAS M E SCHOOL
PIJUPARA
CHAMARIA BLOCK
NAGARBERA
KAMRUP (R)
ASSAM PIN- 781127

Advocate for : MR. A DEKA
Advocate for : SC
ELEM. EDU appearing for THE STATE OF ASSAM AND 7 ORS

B E F O R E
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

17-02-2023

Heard Mr. A. Deka, learned counsel for the petitioner. Also heard Ms. N. Phukan, learned Standing Counsel, Elementary Education Department for Respondents No.1 to 5; Ms. D.D. Barman, learned Government Advocate, Assam for Respondent No.6; and Mr. M. Hossain, learned counsel for Respondent No.7.

Madan Chandra Das M.E. School, was established on 18.01.1996, under Chamaria Educational Block, Kamrup (Rural) District and granted recognition by the government w.e.f. 01.01.2005. The said school was

also captured under the DISE Data from 2009-2010 onwards. The petitioner was appointed against the second post as Assistant Teacher of the School by the School Managing Committee (SMC), to which post he joined on 17.07.1998, and he was allowed to teach Social Science from the date of his joining. The Respondent No.7 was appointed as Assistant Teacher by the SMC of the concerned School on 28.12.2002 as Assistant Teacher (Social Science & Assamese).

In terms of the Assam Education (Provincialisation of Services of Teachers and Reorganization of Educational Institutions) Act, 2017 (hereinafter referred to as the 'Act of 2017' in short), the services of teaching and non-teaching staff of the said School was taken up for provincialisation and the District Level Committee recommended the names of the petitioner as well as Respondent No.7 for provincialisation. However, when the State Level Scrutiny Committee considered the matter, the name of Respondent No.7 was recommended for provincialisation and the case of the petitioner was rejected. Being aggrieved, the petitioner is before this Court.

Section 14 of the Act of 2017, provides that against any recommendation made by the State Level Scrutiny Committee, the same shall be appealable before the State Government in the concerned administrative department.

Accordingly, the petitioner is directed to file an appeal before the Secretary to the Government of Assam, School Education Department (Elementary)/Respondent No.1 within a period of ten days from today. Thereafter, on receipt of the appeal, the Respondent No.1 shall consider and dispose of the same after giving a personal hearing to the petitioner

as well as Respondent No.7 by a speaking order and in accordance with law, within a period of two months from the date of receipt of the appeal. Till the appeal is disposed of, the interim order dated 12.07.2021 passed by this Court shall continue.

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

JUDGE

Comparing Assistant