

GAHC010090052022



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

Case No. : WP(C)/3097/2022

MD. MOYNUL ISLAM
S/O LT. AHMED ALI, VILL. BHANDARA NO. 2 P.O. BHANDARA BAZAR,
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS.
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM EDUCATION (ELEMENTARY) DEPTT. DISPUR GUWAHATI-6

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
CUM CHARIMAN OF STATE LEVEL SCRUTINY COMMITTEE
KAHILIPARA GUWAHATI-19

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
BONGAIGAON
DIST. BONGAIGAON
ASSAM

4:THE BLOCK ELEMENTARY EDUCATION OFFICER
MANIKPUR DIST. BONGAIGAON
ASSAM

5:THE DEPUTY COMMISSIONER
BONGAIGAON
CUM CHAIRMAN OF THE DISTRICT SCRUTINY COMMITTEE
BONGAIGAON
ASSAM

6:MD. ALI HUSSAIN
S/O LT. JOYNAL MONDAL

VILL. 2 BHANDARA P.O. BHANDARA BAZAR
DIS. BONGAIGAON
ASSAM
PIN-783390

7:NOWSHAD ALI MONDAL
S/O LT. KHALILUR RAHAMAN
VILL. 2 BHANDARA P.O. BHANDARA BAZAR
DIS. BONGAIGAON
ASSAM
PIN-78339

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : SC, ELEM. EDU

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

06-02-2023

Heard Mr. R. Ali, learned counsel for the petitioner. Also heard Mr. P.N. Sarma, learned Standing Counsel, Elementary Education Department for Respondents No.1 to 4; Mr. R. Bokolial, learned Government Advocate, Assam for Respondent No.5; Mr. A.R. Bhuyan, learned counsel for Respondent No.6; and Mr. M.U. Mahmud, learned counsel for Respondent No.7.

The 3 No. Bhandara M.E. Madrassa was established on 1.1.1986 and was given recognition on 14.12.2005. The School Managing Committee of the Madrassa appointed the Respondent No.6 as the Headmaster of the said Madrassa by a resolution dated 11.11.1992. The Respondent No.6 joined as Headmaster on 12.11.1992. The petitioner was, thereafter,

appointed as Assistant Teacher of Social Studies and Environmental Studies as Main Subject along with language subject of the said Madrassa by a resolution dated 24.11.1992, to which post he joined on 25.11.1992. The Respondent No.7 was appointed as the Assistant Teacher by an order dated 1.1.1997 with Language as the main subject.

The Respondent No.6/Headmaster of the said Madrassa submitted the particulars of the Madrassa alongwith teaching and non-teaching staff of the Madrassa before the District Scrutiny Committee to scrutinize the records for provincialiation of their services. The District Scrutiny Committee recommended the case of the Respondent Nos.6 and 7 as Assistant Teacher (English) and Social Science respectively for provincialisation, and the name of the petitioner was placed under non-eligible category as Assistant Teacher (Assamese). Being aggrieved by non-provincialisation of his service, the petitioner is before this Court by way of the present writ petition.

Section 14 of the Assam Education (Provincialisation of Services of Teachers and Reorganization of Educational Institutions) Act, 2017 (for short 'the Act of 2017') provides for an appeal before the State Level Scrutiny Committee against any recommendation made by the District Scrutiny Committee.

In view of the above, this writ petition stands disposed of by directing the petitioner to file an appeal before the State Level Scrutiny Committee within a period of fifteen(15) days with effect from today. Thereafter, the State Level Scrutiny Committee shall examine the case of the petitioner after giving a personal hearing to the petitioner as well as to Respondents No.6 and 7 and, thereafter, shall pass an appropriate order in accordance

with law within a period of two months from the date of receipt of the appeal submitted by the petitioner.

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

Interim order passed earlier on 23.05.2022 stands vacated.

JUDGE

Comparing Assistant