

GAHC010110042023



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

Case No. : WP(C)/2978/2023

ABDUL GOFUR
S/O- LATE BHAMAR ALI, VILL.- SOULMARI, P.O. BARKANDA, P.S.
BILASIPARA, DIST. DHUBRI, ASSAM, PIN- 783348.

VERSUS

THE STATE OF ASSAM AND 5 ORS
TO BE REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF
ASSAM, SCHOOL EDUCATION DEPARTMENT, DISPUR, GUWAHATI-06.
2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI.
3:THE STATE LEVEL SCRUTINY COMMITTEE
SECONDARY EDUCATION DEPARTMENT
KAHILIPARA
GUWAHATI-19.
4:THE DISTRICT SCRUTINY COMMITTEE
DHUBRI DISTRICT
TO BE REPRESENTED BY ITS CHAIRMAN-CUM-THE DEPUTY
COMMISSIONER
DHUBRI
P.O. AND DIST. DHUBRI
ASSAM
PIN- 783301.
5:THE INSPECTOR OF SCHOOLS
DDC
DHUBRI
P.O. AND DIST. DHUBRI
ASSAM
PIN- 783301.
6:THE GANDHI UCCHA MADHYAMIK VIDYALAYA

PAGLAHAT
P.O. BARKANDA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348. (TO BE REPRESENTED BY THE SECRETARY/ HEADMASTER
OF THE ABOVE VIDYALAYA)

Advocate for the Petitioner : MR. R ISLAM

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 31.07.2023

Heard Mr. R.Islam, learned counsel for the petitioner. Also heard Mr. R.Mazumdar, learned standing counsel, Secondary Education Department for the respondent Nos. 1, 2, 3 and 5; Mr. G.Pegu, learned Govt. Advocate for the respondent No. 4 and Mr. M.Z.Shah, learned counsel for the respondent No.6.

2. The petitioner was appointed as Assistant Teacher (Science) in the Gandhi Uccha Madhyamik Vidyalaya on 27.01.1999 to which post he joined on the same day. The provincialisation of teaching and non-teaching staffs of the said Gandhi Uccha Madhyamik Vidyalaya was taken up for provincialisation under the Assam Education (Provincialisation of Services of Teachers and Re-organization of Educational Institutions), Act 2017, (Act of 2017 in short). In the said process, the name of the petitioner namely, Abdul Gofur was recommended for provincialisation as a Tutor by the District Level Committee. Thereafter, the State Level Committee recommended the case of the petitioner for

provincialisation of his service as a Tutor. However, while recommending the case of the petitioner, his name was wrongly entered as Abdul Tafor instead of Abdul Gofur. As a consequence of the wrong entry of the name of the petitioner his service could not be provincialised. As there was discrepancies with regard to the name of the petitioner, the petitioner approached this Court by filing WP(C)/2543/2022 which was disposed of by an order dated 28.10.2021 and the operative portion reads as under:

“5. In course of hearing, the communication dated 09.09.2021 from the Inspector of Schools, Dhubri District Circle, Dhubri addressed to the Director of Secondary Education Assam has been produced wherein the Inspector of Schools had authenticated the report and states that the name Abdul Gofur, Assistant Teacher (Science) of Rajib Gandhi Madhyamik Vidyalaya was wrongly written as Abdul Tafur of Gandhi Uchha Madhyamik Vidyalaya and the same may be corrected. As the mistake had been admitted by the Inspector of Schools to be an inadvertent mistake which is also supported by the Headmaster of the concerned school being the respondent No.6, we direct the Director of Secondary Education Assam to pass a reasoned order on the basis of the communication dated 09.09.2021 of the Inspector of Schools and also to take note of the stand of the respondent No.6 being the Headmaster of the school in his affidavit filed in this writ petition.

6. The reasoned order be passed by the Director of Secondary Education Assam within a period of two months from the date of receipt of the certified copy of this order and all necessary consequential benefits that the petitioner may be entitled be also provided to him.”

3. Thereafter, the Director, Secondary Education Department passed a speaking order dated 08.04.2022 after considering the report of the Inspector of Schools as well as the fact that the name of the petitioner appears under the UDISE Code for the year 2014, 2015 and 2016, observing that the

provincialisation of service in respect of the petitioner will be placed before the next SLC meeting for consideration. Despite the speaking order dated 08.04.2022, passed by the Director, Secondary Education, Assam, no steps has been taken till date and therefore, petitioner is before this Court by way of the present writ petition.

4. After hearing the learned counsel for the parties and on consideration of the materials available on record, particularly the speaking order dated 08.04.2022, wherein, the Director of Secondary Education, Assam passed the order stating that provincialisation of service of the petitioner will be placed before the next SLC meeting for consideration after taking into consideration the report of the Inspector of Schools, BTC, Dhubri as well as the UDISE Code for the year 2014, 2015 and 2016, this writ petition is disposed of directing the State Level Scrutiny Committee to forthwith consider the case of the petitioner by taking into consideration that his name was already recommended by the SLC earlier. However, due to the mistake in the name i.e., Abdul Tafor instead of Abdul Gofur, the service of the petitioner could not be provincialised till date.

Let such exercise be completed within a period of 4(four) weeks from the date of receipt of a copy of the order of this Court.

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

JUDGE

Comparing Assistant