

GAHC010113422023



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

**Case No. : WP(C)/3059/2023**

SHAJIDA KHATUN AND ANR  
W/O- MD. HASSEN ALI  
VILLAGE- BORBHETI, P.O.- KASOMARI,  
DISTRICT- NAGAON, ASSAM,  
PIN- 782002.

2: SWOHIDA AHMED  
W/O- MD. RAFIKUL ISLAM

VILLAGE- BORBHETI  
P.O.- KASOMARI

DISTRICT- NAGAON  
ASSAM  
PIN- 782002

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,  
ELEMENTARY EDUCATION DEPARTMENT,  
DISPUR, ASSAM, GUWAHATI- 781006.

2: THE DIRECTOR OF ELEMENTARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI- 781019.

3: THE STATE LEVEL SCRUTINY COMMITTEE  
REPRESENTED BY ITS CHAIRMAN -CUM- THE DIRECTOR OF  
ELEMENTARY EDUCATION  
ASSAM

KAHILIPARA

GUWAHATI- 781019.

4:THE AXOM SARBA SIKSHA ABHIJAN MISSION  
REPRESENTED BY THE MISSION DIRECTOR  
SSA

KAHILIPARA  
GUWAHATI- 781019.

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER  
NAGAON  
DISTRICT- NAGAON  
ASSAM

PIN- 782001

**Advocate for the Petitioner** : MR J ABEDIN

**Advocate for the Respondent** : SC, ELEM. EDU

**BEFORE**  
**HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**31.05.2023**

Heard Shri J Abedin, learned counsel for the petitioners as well as Ms. N Phukan, learned Standing Counsel, Education (Elem.) Department, Assam. Also heard Shri B Gogoi, learned Standing Counsel, SSA.

Considering the facts and circumstances of the case and the nature of relief which has been prayed for by the learned counsel for the petitioners, the writ petition is taken up for disposal at the motion stage.

The petitioners are aggrieved by the action of the State Level Scrutiny Committee (SLSC) in not recommending the petitioners for provincialisation of their services in spite of such recommendation by the District Level Scrutiny Committee (DLSC).

The rejection, as contended by the petitioners, is done in a mechanical manner without any application of mind and no reasons have been assigned as to why the recommendation made by the DLSC was not accepted.

Shri Abedin, learned counsel for the petitioners, however, submitted that under the Act governing the field, namely, Assam Education (Provincialisation of Services of Teachers and Re-organisation of Educational Institutions) Act, 2017 (for short hereinafter referred to as the Act of 2017), an appeal has been preferred under Section 14 which is pending consideration. The learned counsel for the petitioners submits that for the present, the interest of justice would be served if a direction is given for consideration and disposal of the appeal in accordance with law.

Ms. Phukan, learned Standing Counsel as well as Shri B Gogoi, learned Standing Counsel for the respective Departments do not oppose the aforesaid prayer in principle.

In view of the aforesaid facts and circumstances and the broad consensus arrived at in the Bar, the instant writ petition is disposed of by directing consideration of the appeal dated 09.02.2023 preferred by the petitioners by the authority prescribed under Section 14 of the Act of 2017.

It is needless to say that the said consideration is to be followed by a speaking order which is to be communicated to the petitioners. The petitioners may also be given a personal hearing by the authority who may present all the necessary documents in support of their claim.

The appeal is directed to be disposed of expeditiously and preferably within an outer limit of 3 months.

To facilitate the aforesaid exercise of consideration, the petitioners are directed to furnish a fresh copy of the appeal dated 09.02.2023 along with all relevant documents before the Appellate Authority within a period one week from today.

The writ petition is, accordingly disposed of.

**JUDGE**

**Comparing Assistant**