

GAHC010119092015



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

**Case No. : WP(C)/4492/2015**

SHAHIBUR RAHMAN  
S/O ISMAIL ALI, ASSTT. TEACHER, AMAITILLA LP SCHOOL, VILL.  
AMAITILLA, P.O. ANGALRBAZAR, DIST- KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM and 6 ORS  
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM,  
EDUCATION ELE DEPTT., DISPUR, GHY-6

2:THE DIRECTOR OF ELEMENTARY EDUCATION  
ASSAM  
KAHILIPARA  
GHY-6

3:THE DISTRICT SCRUTINY COMMITTEE  
REP. BY THE CHAIRMAN CUM DY. COMMISSIONER  
KARIMGANJ

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER CUM MEMBER  
SECY.  
DISTRICT SCRUTINY COMMITTEE  
KARIMGANJ  
P.O. and DIST- KARIMGANJ  
ASSAM

5:THE BLOCK ELEMENTARY EDUCATION OFFICER  
BADARPUR EDUCATION BLOCK  
P.O. and DIST- KARIMGANJ  
ASSAM

6:THE SCHOOL MANAGING COMMITTEE

OF THE AMAITILLA LP SCHOOL  
REP. BY ITS PRESIDENT  
VILL. AMAITILLA  
P.O. ANGLARBAZAR  
DIST- KARIMGANJ  
ASSAM

7:MUZIBUR RAHMAN  
HEAD TEACHER CUM SECY. AMAITILLA LP SCHOOL  
VILL. AMAITILLA  
P.O. ANGLARBAZAR  
DIST- KARIMGANJ  
ASSAM

8:ALTAF HUSSAIN  
S/O LT. USTER ALI  
VILL. AMAITILLA  
P.O. ANGLARBAZAR  
DIST- KARIMGANJ  
ASSA

**Advocate for the Petitioner** : MR.H R A CHOUDHURY

**Advocate for the Respondent** : MR.K H CHOUDHURYR-8

**BEFORE**  
**HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

**ORDER**

**Date : 12.09.2023**

Mr. S. Talukdar, learned counsel appearing on behalf of the petitioner states that all the three learned counsel who appear for the petitioner are having inconvenience today and therefore, an adjournment is sought for. It is taken note of that when the matter was called on 30.08.2023, a similar prayer was made and the writ petition stood adjourned to be listed today i.e. 12.09.2023 by providing that no further adjournments shall be granted.

2. Mr. B.D. Das, learned senior counsel who appears for the writ petitioner in WP(C) No. 666/2019 which is listed analogously has brought it to the notice of

the Court that in WP(C) No. 4492/2015, the resolution No. 1 of the Managing Committee of Aamitilla L.P. School dated 27.04.2013 has been assailed. By the resolution dated 27.04.2013, the services of the writ petitioner Shahibur Rahman was terminated. The further relief sought for in the writ petition is that the respondents No. 1 and 2 be restrained from provincializing the services of the respondent No. 8 therein namely, Altaf Hussain.

3. Mr. B.D. Das, learned senior counsel who appears for the writ petitioner in WP(C) No. 666/2019 has also brought it to the notice of the Court that during the pendency of WP(C) No. 4492/2015, an order dated 15.11.2018 had been passed by the Commissioner and Secretary to the Government of Assam in the Elementary Education Department wherein it had been held that the resolution dated 27.04.2013 by which the writ petitioner Shahibur Rahman was terminated is in violation of the provision of Section 6 of the Assam Venture Educational Institutions (Provincialisation of Services) Act, 2011. It had further been held by the said order that the services of the writ petitioner Shahibur Rahman was provincialised as per the order No. EPD.44/2013/80 dated 21.01.2014 and further that by the order No. EPD/H/46/2014/257 dated 11.05.2015, the order of provincialisation in favour of the writ petitioner Shahibur Rahman was quashed. Accordingly, by the order dated 15.11.2018 of the Commissioner and Secretary to the Government of Assam in the Elementary Education Department the order of quashing of provincialisation of the writ petitioner Shahibur Rahman had been revoked, meaning thereby that the provincialisation of writ petitioner Shahibur Rahman remains.

4. It is the order of 15.11.2018 of the Commissioner and Secretary to the Government of Assam in the Elementary Education Department which has been assailed by Altaf Hussain who is the respondent No. 8 in WP(C) No. 4492/2015

in the other writ petition WP(C) No. 666/2019.

5. In view of the order dated 15.11.2018, we are of the view that WP(C) No. 4492/2015 does not require any further adjudication as the relief sought for had already been granted to the writ petitioner therein as per the order dated 15.11.2018. However, the validity of the order dated 15.11.2018 would have to be adjudicated in WP(C) No. 666/2019.

6. Accordingly, this writ petition WP(C) No. 4492/2015 stands closed. All such arguments that the writ petitioner Shahibur Rahman intends or intended to advance would also be available to the said writ petitioner to be advanced as respondent No. 8 in WP(C) No. 666/2019.

7. WP(C) No. 4492/2015 stands closed in the above terms.

**JUDGE**

**Comparing Assistant**