

GAHC010162342023



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

Case No. : WP(C)/4229/2023

MANASA MANDAL
W/O- SRI GOBINDA MANDAL,
R/O- VILL.- KALANGPAR,
P.O. AND P.S.- CHANDRAPUR,
DIST.- KAMRUP, ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
EDUCATION (ELEMENTARY) DEPARTMENT,
SACHIVALAYA, DISPUR,
GUWAHATI-6.

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
EDUCATION DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI- 781006.

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

Advocate for the Petitioner : MR. D GOGOI

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

28.07.2023

ORDER

Heard Mr. D. Gogoi, learned counsel for the petitioner. Also heard Ms. N. Phukan, learned Standing Counsel, Elementary Education Department, Government of Assam for all the respondents.

2. The petitioner was appointed as Assistant Teacher in Digarupur Anuchusita Jati LP School in the district of Kamrup on 05.11.2006 when the School was at a venture stage. The said Digarupur Anuchusita Jati LP School was provincialised in the year 2013 while the petitioner was serving as Assistant Teacher. However, the name of the petitioner was dropped on the ground that the School authorities did not submit the detailed particulars in respect of the petitioner. Being aggrieved, the petitioner submitted representation(s) to the authorities and on the direction of the Deputy Director of Elementary Education, Assam, Block Elementary Education Officer, Dimoria conducted an enquiry by inspecting the School on 09.03.2018 and submitted its report on 13.06.2018. In the said enquiry, it was stated that the petitioner was appointed on 15.11.2006. However, due to some reasons, the petitioner remained absent for about 8 months since January, 2009 during which period, another teacher was appointed against the said post. Subsequently, the petitioner joined the School on 06.11.2019. It further transpires from the enquiry report that due to some differences between the petitioner and the Headmistress of the said School, the Headmistress did not submit the documents in respect of the petitioner at the time of provincialisation. Thereafter, as no steps were taken, the petitioner approached this Court by filing WP(C) No.8170/2018 praying for provincialisation of her service. The said writ petition was disposed of by order dated 03.12.2019 directing the respondents to consider the claim of the

petitioner for provincialisation in terms of the *Assam Education (Provincialisation of Services of Teachers and Re-organisation of Educational Institutions) Act, 2017* (Act of 2017, in short) within a period of six months. Thereafter, the Director, Elementary Education, Assam by a communication dated 04.02.2022 wrote to the Principal Secretary to the Government of Assam, Education Department stating that the case of the petitioner was placed before the State Level Scrutiny Committee and the said Committee in its meeting held on 02.11.2021 proposed the name of the petitioner for provincialisation in terms of the Act of 2017. Despite the communication, dated 04.02.2022, the Principal Secretary to the Government of Assam, Education Department is yet to take further steps. Therefore, the petitioner is before this Court.

3. After hearing learned counsel for the parties and on consideration of the materials available on record, this writ petition is disposed of directing the Principal Secretary to the Government of Assam, Education Department/respondent No.2 to finalise the process of provincialisation of the service of the petitioner in accordance with law within a period of two months from the date of receipt of a copy of this order.

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

JUDGE

Comparing Assistant