

GAHC010184292021



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

Case No. : WP(C)/6143/2021

NG. BINOY KUMAR SINGHA AND ANR
S/O. LT. BABATOMBI SINGHA, VILL. BORBIL, P.O. FULERTAL, P.S.
LAKHIPUR, DIST. CACHAR, ASSAM.

2: SHRI BAKTAR HUSSAIN LASKAR
S/O. LT. ASADUR ALI LASKAR
VILL. AND P.O. EAST GOBINDPUR PART-III
DIST. CACHAR
ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION
(SECONDARY) DEPTT., DISPUR, GUWAHATI-06.

2: THE COMMISSIONER AND SECY.
TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GUWAHATI-06.

3: THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

4: DISTRICT SCRUTINY COMMITTEE
CACHAR
REP. BY THE DEPUTY COMMISSIONER
CACHAR
P.O. AND P.S. SILCHAR
DIST. CACHAR
ASSAM.

5:THE STATE LEVEL SCRUTINY COMMITTEE
CACHAR
REP. BY THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

6:THE MISSION DIRECTOR
RASTRIYA MADHYAMIK SIKSHA ABHIYAN
ASSAM
KAHILIPARA
GUWAHATI-19.

7:THE DIRECTOR
SARBA SIKSHA ABHIYAN MISSION
ASSAM
KAHILIPARA
GUWAHATI-19

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : SC, SEC. EDU.

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

17-02-2023

Heard Mr. A.M. Barbhuiya, learned counsel for the petitioners. Also heard Mr. R. Mazumdar, learned Standing Counsel, Department of School Education for Respondents No.1, 3 and 5; Mr.B. Gogoi, learned Standing Counsel, Finance Department for Respondent No.2; Mr. P. Saikia, learned Government Advocate, Assam for Respondent No.4 and Mr. S. Bora, learned Standing Counsel, SSA for Respondents No.6 and 7.

The petitioner No.1 was appointed as a Manipuri Language Teacher on 10.01.1998 at the then Venture Ujan Tarapur High School, Cachar by the

Headmaster-cum-Secretary of the said School. The petitioner No.2 was appointed on verbal instruction by the Managing Committee of the said Venture Ujan Tarapur High School as an Additional Assistant Teacher in the said school. The said Venture Ujan Tarapur High School was provincialized by an order dated 20.08.2013 issued by the Director of Secondary Education, Assam. However, in the said order of provincialisation, the names of the petitioners did not figure though their names were captured in the DISE Code for the year 2013-14. However, as their names were not in the provincialisation order dated 20.08.2013, their names were not captured in the DISE Code for the year 2014-15.

The process for provincialisation of the services of teaching and non-teaching staff of the Ujan Tarapur High School started in terms of Assam Education (Provincialisation of Services of Teachers and Reorganization of Educational Institutions) Act, 2017 (hereinafter referred to as the 'Act of 2017' in short).

The cases of both the petitioners were recommended by the District Scrutiny Committee for provincialisation of their services. However, the State Level Scrutiny Committee did not recommend their names as their names were not captured in the DISE Code after the year 2014. Being aggrieved, the petitioners are before this Court by way of the present writ petition.

Section 14 of the Act of 2017 provides for an appeal against any recommendation of the State Level Scrutiny Committee before the State Government.

Accordingly, this writ petition is disposed of directing the petitioners to separately file appeals before the Secretary, Department of School Education (Respondent No.1) within a period of ten days from today. The Respondent

No.1, on receipt of the respective appeals filed by the petitioners, shall consider the appeals after giving an opportunity of bearing to both the petitioners and, thereafter, dispose of the same by speaking orders and in accordance with law, within a period of two months from the date of receipt of the appeals.

With the aforesaid observations and directions, this writ petition stands disposed.

JUDGE

Comparing Assistant