

GAHC010184762023



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

Case No. : WP(C)/4816/2023

JOHIRUL ISLAM AND 22 ORS.
S/O- HASHMOT ALI, VILLAGE- MOIRAKUCHI PT-I, P.O. AIRKATA, UNDER
P.S. FAKIRGANJ, DIST.- DHUBRI, ASSAM, PIN- 783330

2: EAYHEYA KHAN
S/O- AJIJ KHAN
VILLAGE- SUNDARPARA PT-III
P.O. JAMADARHAT
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

3: HAKIM ALI
S/O- SIKIM ALI
VILLAGE- MOIRAKUCHI PT-I
P.O. AIRKATA
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

4: JOHIRUL ISLAM
S/O- ABUL HUSSAIN
VILLAGE- MOIRAKUCHI PT-I
P.O. AIRKATA
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

5: SAIFUL ISLAM MOLLAH
S/O- ABDUL AJIJ MOLLAH
VILLAGE- SUNDARPARA PT-IV

P.O. AIRKATA
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

6: FULCHAN ALI
S/O- SAMSUL HOQUE
VILLAGE- MOIRAKUCHI PT-II
P.O. AIRKATA
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

7: ABU TAHER
S/O- ABDUL KHALEQUE
VILLAGE- SUNDAPARA PT-IV
P.O. AIRKATA
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

8: FATEMA KHATUN
W/O- ABU TAHER
VILLAGE- MOIRAKUCHI PT-II
P.O. AIRKATA
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

9: ABDUL BASIT
S/O- ABDUL HALIM MIAH
VILLAGE- MOIRAKUCHI PT-II
P.O. AIRKATA
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

10: SANOWAR HUSSAIN
S/O- ABDUL HALIM
VILLAGE- MOIRAKUCHI PT-II
P.O. AIRKATA
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI

ASSAM
PIN- 783330

11: NASHIR UDDIN
S/O- ABDUL HALIM
VILLAGE- MOIRAKUCHI PT-II
P.O. AIRKATA
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

12: SULTAN ALI
S/O- MOHAMMAD ALI
VILLAGE- SUNDARPARA PT-IV
P.O. AIRKATA
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

13: ABDUL WAHAB ANSARY
S/O- ABDUL KHALEQUE
VILLAGE- SUNDARPARA PT-IV
P.O. AIRKATA
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

14: ABDUS SALAM MIAH
S/O- SANDHU SK
VILLAGE- BORKALIA CHATLARPAR
P.O. FAKIRGANJ
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

15: RAKMAT ALI
S/O- MD. FAZAR ALI
VILLAGE- MOIRAKUCHI PT-I
P.O. AIRKATA
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

16: ANSER ALI
S/O- ABDUS WARES
VILLAGE- MOIRAKUCHI PT-II
P.O. AIRKATA
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

17: SOKER ALI
S/O- EUSUF ALI
VILLAGE- MOIRAKUCHI PT-II
P.O. AIRKATA
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

18: PAULAN UDDIN
S/O- MONSER ALI
VILLAGE- BORKALIA PT-II
P.O. FAKIRGANJ
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

19: KHALILUR RAHMAN
S/O- ABDUL JALEK
VILLAGE- CHOTOKALIA PT-II
P.O. FAKIRGANJ
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

20: ABDUR ROUF
S/O- SIKIM ALI
VILLAGE- MOIRAKUCHI PT-I
P.O. AIRKATA
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

21: HAKIM UDDIN
S/O- ABDUR SATTAR
VILLAGE- ROWARPAR

P.O. JAMADARHAT
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

22: ANOWAR HUSSAIN SARKAR
S/O- HAZRAT ALI SARKAR
VILLAGE- MOIRAKUCHI PT-I
P.O. AIRKATA
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 783330

23: MANIK ALI
S/O- RAKMAT ALI
VILLAGE- MOIRAKUCHI PT-I
P.O. AIRKATA
UNDER P.S. FAKIRGANJ
DIST.- DHUBRI
ASSAM
PIN- 78333

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION (SECONDARY), DISPUR,
GUWAHATI- 781006

2: THE DIRECTOR OF SECONDARY EDUCATION
ASSAM-CUM-CHAIRMAN OF STATE LEVEL COMMITTEE
SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3: THE DEPUTY COMMISSIONER-CUM-CHAIRMAN OF DISTRICT LEVEL
COMMITTEE
DHUBRI
P.O. DHUBRI
DISTRICT- DHUBRI
ASSAM
PIN- 783301

4: THE INSPECTOR OF SCHOOLS
DHUBRI DISTRICT CIRCLE (D.D.C.)

DHUBRI
P.O. AND P.S. DHUBRI
DISTRICT- DHUBRI
ASSAM
PIN- 78330

Advocate for the Petitioner : MR. M R KHANDAKAR

Advocate for the Respondent : SC, SEC. EDU.

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

23.08.2023

Heard Mr. M R Khandarkar, learned counsel for the petitioners and Mr. U Sharma, learned Standing counsel, Department of School (Secondary) Education, Assam for the respondent Nos. 1, 2 & 4. Also heard Ms. D Das Barman, learned Government Advocate, Assam for the respondent No. 3.

2. The petitioners herein are the guardians of the children studying in Airkata Girls High Madrassa, District-Dhubri.

3. The Airkata Girls High Madrassa, District-Dhubri was brought under provincialisation by order dated 30.08.2013 under the provisions of the Assam Venture Educational Institutions (Provincialisation of Services) Act, 2011 as amended issued by the Director of Secondary Education, Assam, in which the service of one Haidar Ali Mollah was provincialised as a Senior Hindi Teacher of the said Madrassa.

4. Later, by order dated 28.02.2018 issued by the Commissioner & Secretary to the Government of Assam in the Secondary Education Department said Airkata Girls M.E. School was amalgamated with Airkata Girls High Madrassa and accordingly, the Hindi Teacher, Rezia Khatun of said Airkata M.E. School was merged with the Airkata Girls High Madrassa.

5. It is stated that after such amalgamation of Airkata Girls High Madrassa with Airkata Girls M. E. School, the said Madrassa was termed as Airkata Girls High School.

6. It is stated that there are 625 numbers of enrollment from Class-VI to Class-X with 14

numbers of Teachers excluding the Headmaster with PTR of 44.64:1 in the said Girls High School with 2 Hindi Teachers, one Senior Hindi Teacher, Haidar Ali Mollah and one Hindi Teacher of intermediate cadre, Rezia Khatun.

7. However, pursuant to the order of the Inspector of Schools, Dhubri District Circle, Dhubri, dated 04.08.2023, at Serial No.94 the Senior Hindi Teacher, namely, Haidar Ali Mollah of the said Airkata Girls High School has been transferred and posted at Jamadarhat Janata High School in the district of Dhubri with a view to improve the number of PTR compliant schools, fill the need based vacancies and overall improvement in the quality of education in terms of the approval of the District Level Committee as well as the State Level Committee, Assam pursuant to the Assam Elementary and Secondary School Teachers' (Regulation and Posting and Transfer) Rules, 2022 read with the Assam Elementary and Secondary School Teachers' (Regulation of Posting and Transfer) Act, 2020 and in pursuance of the Government Notification under E-file No. 216176 dated 13.12.2022 communicated by the Directorate of Secondary Education, Assam on 19.12.2022.

8. The petitioners herein being the guardians of the children studying in the Airkata Girls High School are aggrieved as the students of the said school are suffering due to the transfer of the Senior Hindi Teacher from the said High School, keeping only one Hindi Teacher that also for the intermediate classes with 625 numbers of enrollment of students in that school.

9. The petitioners submitted a representation before the Inspector of Schools, Dhubri District Circle, Dhubri on 09.08.2023 with regard to the transfer of said Haidar Ali Mollah, Senior Hindi Teacher, which was received by the concerned Inspector of Schools on 10.08.2023 and the matter is presently pending before the said authority for disposal.

10. After hearing the learned counsels for the parties and considering the entire aspect of the matter, this writ petition is disposed of directing the Inspector of Schools, Dhubri District Circle, Dhubri to dispose of the said representation of the petitioners dated 09.08.2023 which was received by the said authority on 10.08.2023, on or before 22.09.2023, intimating the Headmaster of said Airkata Girls High School, Dhubri about the outcome of the said representation.

11. Petitioners shall submit the certified copy of this order forthwith, before the Inspector

of Schools, Dhubri District Circle, Dhubri, obtaining necessary acknowledgment from the said authority in that regard.

JUDGE

Comparing Assistant