

GAHC010184862023



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

Case No. : WP(C)/4820/2023

MONTU CHANDRA PAUL
S/O- LT. GOUR CH. PAUL,
VILLAGE- PORAVITA,
P.O.- JAMADARHAT,
P.S.- FAKIRGANJ,
DIST.- DHUBRI, ASSAM,
PIN - 783330.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION (SECONDARY),
DISPUR, GUWAHATI-06.

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- 783301

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 petitioner 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 petitioner herein is the President of the School management & Development Committee (SMDC) of Hamidabad Senior Secondary School of district-Dhubri.

3. The Hamidabad Senior Secondary School, District-Dhubri was brought under provincialisation by order dated 18.03.2014 under the provisions of the Assam Junior Colleges (Provincialisation) Act, 2012 issued by the Director of Secondary Education, Assam, in which the service of one Imdadur Rahman was provincialised as a Lecturer of Mathematics in that Senior Secondary School.

4. It is stated that there are 88 numbers of enrollment in Class-XI and Class-XII with 17 numbers of Teachers with PTR of 44:2 in the said Senior Secondary School with 2 Mathematics Teachers, namely, (i) Imdadur Rahman and (ii) Zakir Hussain.

5. However, pursuant to the order of the Inspector of Schools, Dhubri District Circle, Dhubri dated 04.08.2023 at Serial No. 112, Imdadur Rahman, Mathematics Teacher of the said Hamidabad Senior Secondary School has been transferred and posted at S.P. 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.

6. The petitioner herein being the President of the SMDC of said Hamidabad Senior Secondary School is aggrieved as the students of the said Senior Secondary School are suffering due to the transfer of said Imdadur Rahman, Mathematics Teacher from the said School, keeping only one Mathematics Teacher against 88 numbers of enrollment of students in that school.

7. The petitioner along with some guardians of the students of the said Senior Secondary School submitted a representation before the Inspector of Schools, Dhubri District Circle, Dhubri on 08.08.2023 with regard to the transfer of said Imdadur Rahman, Mathematics Teacher, which was received by the concerned Inspector of Schools on 14.08.2023 and the matter is presently pending before the said authority for disposal.

8. 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 petitioner dated 08.08.2023 which was received by the said authority on 14.08.2023, on or before 22.09.2023, intimating the Headmaster of said Hamidabad Senior Secondary School, District-Dhubri about the outcome of the said representation.

9. Petitioner 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