

GAHC010193912023



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

Case No. : WP(C)/5182/2023

GOPAL BHOWMIK AND 10 ORS
S/O LATE SUDHIR BHOWMIK, R/O KARIMGANJ TOWN, BHAIRABTALA,
P.O.-SILCHAR ROAD, DIST- KARIMGANJ, ASSAM, PIN-788713

2: SWAPAN PAUL
S/O LATE HARENDRA CHANDRA PAUL
R/O VILL-EAST KANISHAIL
P.O.-KANISHAIL
DIST-KARIMGANJ
ASSAM
PIN-788711

3: ABDUL KARIM TAPADAR
S/O LATE ASHAID ALI TAPADAR
R/O VILL- NAIRGRAM
P.O.-NAIRGRAM
DIST-KARIMGANJ
ASSAM
PIN-788713

4: ABDUS SALAM
S/O LATE ISHAQUE ALI
R/O VILL- MOBARAKPUR
P.O.-SILCHAR ROAD
DIST- KARIMGANJ
ASSAM
PIN-788713

5: ABDUL AHAD
S/O LATE ABDUS SAMAD
R/O VILL-WEST KANISHAIL
P.O.-KANISHAIL
DIST-KARIMGANJ
ASSAM

PIN-788711

6: LUCKY DAS
W/O PINAK DAS
R/O KARIMGANJ TOWN LAXMI CHARAN ROAD
P.O.-KARIMGANJ
DIST- KARIMGANJ
ASSAM
PIN-788710

7: RUMA BHOWMIK
W/O GOPAL BHOWMIK
R/O KARIMGANJ TOWN BHAIRABTALA
P.O.-SILCHAR ROAD
DIST-KARIMGANJ
ASSAM
PIN-788713

8: HIFZUR RAHMAN
S/O LATE ABDUL MUTLIB
R/O VILL- DAYABASHANA
P.O.-KALIGANJ BAZAR
DIST-KARIMGANJ
ASSAM
PIN-788713

9: NIZAM UDDIN
S/O LATE MAHMAD ALI
R/O VILL- MIRZAPUR
P.O.-MIRZAPUR
DIST- KARIMGANJ
ASSAM
PIN-788701

10: AMENA BEGUM
W/O ABDUL MUTLIB
R/O VILL-BHATGRAM
P.O.-SILCHAR ROAD
DIST-KARIMGANJ
ASSAM
PIN-788713

11: KHUDEJA BEGUM
D/O LATE HUNAF ALI
R/O VILL-BHATGRAM
P.O.-SILCHAR ROAD
DIST-KARIMGANJ
ASSAM

PIN-78871

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI-
06

2:THE DIRECTOR SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE STATE LEVEL SCRUTINY COMMITTEE
REPRESENTED BY ITS CHAIRMAN
DIRECTOR OF SECONDARY EDUCATION
ASSAM

4:THE INSPECTOR OF SCHOOLS
KDC
KARIMGANJ
P.O. AND DIST-KARIMGANJ
ASSAM
PIN-788710

5:THE DISTRICT SCRUTINY COMMITTEE
KARIMGANJ
REPRESENTED BY ITS CHAIRMAN
THE DISTRICT COMMISSIONER
KARIMGANJ
P.O. AND DIST- KAMRIMGANJ
ASSAM
PIN-788710

6:THE BOARD OF SECONDARY EDUCATION (SEBA)
ASSAM
REPRESENTED BY ITS SECRETARY
GUWAHATI-781021
DIST- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
O R D E R

20.11.2023

Heard Mr. M Khan, learned counsel for the petitioners, Mr. B Kaushik, learned counsel for the respondents in the Secondary Education Department, Government of Assam as well as Mr. Girin Pegu, learned Additional Senior Government Advocate for the Deputy Commissioner, Karimganj. None appears for the respondents in the SEBA.

2. The petitioners herein are all teachers of Indira Memorial Girls High School, Mobarakpur in the Karimganj district and claims that all of them had been recommended under the Assam Education (Provincialisation of Services of Teachers and re-organization of Educational Institutions) Act, 2017 (in short Act of 2017) for provincialisation by the concerned District Scrutiny Committee. The limited grievance raised is that in spite of being so recommended and as required under the Rules, the recommendation of the District Scrutiny Committee had not been given its due consideration by the State Level Scrutiny Committee.

3. In view of the limited grievance raised, we dispose of the writ petition directing the State Level Scrutiny Committee headed by the Director of Secondary Education, Assam to give a due consideration to the recommendation made by the District Scrutiny Committee available at page 52 Annexure-1 to the additional affidavit and pass a reasoned order thereon. By requiring the State Level Scrutiny Committee to pass a reasoned order, we are clarifying that we do not mean that it is a direction to the State Level Scrutiny Committee to approve

the recommendation. But on the other hand, the requirement is for the State Level Scrutiny Committee to give a due consideration and pass a reasoned order thereon.

4. Although an appeal under section 14 of the Act of 2017 had been filed by the petitioner, but we are of the view that the said appeal would be premature as an appeal would be maintainable only after the rejection of the recommendation of the District Scrutiny Committee by the State Level Scrutiny Committee. In the event, the decision of the State Level Scrutiny Committee is against the petitioner, liberty would remain with the petitioner to file appropriate appeal under section 14 of the Act of 2017, if so advised.

5. The reasoned order be passed by the State Level Scrutiny Committee within a period of three months from the date of receipt of a certified copy of this order.

The writ petition is disposed of as indicated above.

JUDGE

Comparing Assistant