

GAHC010210132023



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

Case No. : WP(C)/5532/2023

SHAHAZAMAL SK AND 23 ORS
S/O ABDUL KADER SK, VILL- CHIRAKHOWA-KUDIRGHAT, P.O.-KALAPANI,
DIST-SOUTH SALMARA MANKACHAR, ASSAM, PIN-783131

2: MST. SABINA YASMIN
W/O MD.WAZEDUL ISLAM
VILL-JHOWDANGA PART-II
P.O.-JHOWDANGA
DIST-SOUTH SALMARA MANKACHAR
ASSAM
PIN-783131

3: ASHRAFUL ALOM
S/O LT. ALHAJ SHEHER ALI BEPARI
VILL- KADAMTOLI
P.O.-JHOWDANGA
DIST-SOUTH SALMARA MANKACHAR
ASSAM
PIN-783131

4: MD. SHAHIDUL ISLAM
S/O MD. ABDUL HAMID
VILL- JORDANGA PART-II
P.O.-MANKACHAR
PIN-783131

5: HASINA YASMIN
D/O MD. HADIBAR RAHMAN
VILL-JHOGRARCHAR PART-II
P.O.-KAKRIPARA
PIN-783131

6: SAKUAT HUSSAIN
S/O LATE NOOR HUSSAIN BEPARI

VILLAGE-KACHARIPARA
P.O.-MANKACHAR
PIN-783131

7: BABUL MIAH
S/O NURUZZAMAN MIAH
VILLAGE-THAKURANBARI
P.O.-MANKACHAR
PIN-783131

8: SHAHIDUR RAHMAN
S/O ABDUR RAHMAN
VILL- SHIALTARI
P.O.-MANKCHAR
PIN-783131

9: LAILA ARJUMAND BANU
D/O LATE LUTFAR RAHMAN MONDAL
VILL AND P.O.-KAKRIPARA
PIN-783131

10: MD. ZIADUL ISLAM
S/O ABUL HUSSAIN
VILL- ASIA KHATUN
P.O.-JHOWDANGA
PIN-783131

11: MD. RASHEDUL ISLAM
S/O ZAKIUL ISLAM
VILL- DAKERGAON
P.O.-KAKRIPARA
PIN-783131

12: NUR HUSSAIN
S/O LATE ANARUL ISLAM
VILL-BHATIJHAGRARCHAR
P.O.-KAKRIPARA
PIN-783131

13: MD. SAHINUR ISLAM
S/O LATE NURUL ISLAM
VILL- BHATIJHAGRARCHAR
P.O.-KAKRIPARA
PIN-783131

14: MD. ANISHOR RAHMAN
S/O MD. TARU SEIKH
VILL- SUDURTILA

P.O.-KAKRIPARA
PIN-783131

15: MD. EADUL HUSSAIN
S/O MD. ROFIQUL HOQUE
VILL-BHATI JHAGRARCHAR
P.O.-KAKRIPARA
PIN-783131

16: NUR ABDIN HUSSAIN
S/O MAHUBAR RAHMAN
VILL- THAKURANBARI
P.O.-MAKACHAR
PIN-783131

17: FIROJA KHATUN
D/O SOFIUR RAHMAN
VILL-BOU BAZAR
P.O.-BORKONA
PIN-783131

18: MOSTA FARUK
S/O ZAHER ALI
VILL-TETLABARI
P.O.-KALAPANI
PIN-783131

19: MAIDUL HOQUE
S/O SOBIOL HOQUE
VILL- KAKRIPARA PART-II
P.O.-KAKRIPARA
PIN-783131

20: GOLAM SOROWAR
S/O LUTFOR RAHMAN
VILL-MOHISGHUMA
P.O.-KALAPANI
PIN-783131

21: NARGIS BEGUM
D/O ABDUL SAMAD BEPARI
VILL- MIAPARA
P.O.-MANKACHAR
PIN-783131

22: SHOHIDUR RAHMAN
S/O ABDUL KARIM SARKAR
VILL-TANGAON PART-II

P.O.-KALAPANI
PIN-783131

23: LINARA BEGUM
D/O LUTFOR RAHMAN
VILL- KAKRIPARA PART-II
P.O.-KAKRIPARA
PIN-783131

24: NAZIA SULTANA
D/O NAZMAL HUSSAIN
VILL- SHIALTARI
P.O.-MANKACHAR
PIN-783131. ALL ARE DISTRICT OF SOUTH SALMARA MANKACHAR
ASSA

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI-6

2:THE DIRECTOR
ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE MISSION DIRECTOR
SARBHA SHIKSHA ABHIYAN MISSION
ASSAM
KAHILIPARA
GUWAHATI-19

4:THE DISTRICT MISSION COORDINATOR
SARBA SIKSHA ABHIYAN MISSION
SOUTH SALMARA MANKACHAR
HATSINGIMARI
P.O.-FEKAMARI
DIST-SOUTH SALMARA MANKACHAR
ASSAM
PIN-783135

5:THE BLOCK MISSION COORDINATOR
MANKACHAR EDUCATION BLOCK
HATSINGIMARI
P.O.-FEKAMARI
DIST-SOUTH SALMARA MANKACHAR

ASSAM
PIN-78313

Advocate for the Petitioner : MR. M ISLAM

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
ORDER

22.09.2023

Heard Mr. M Islam, learned counsel for the petitioners. Also heard Ms. S Chutia, learned counsel for the Elementary Education Department, Government of Assam and Mr. S Bora, learned counsel for respondents in the SSA, Assam.

2. All the petitioners herein claim that they were engaged as Education Volunteers, Siksha Karmi, Siksha Sarathi 1, Siksha Sarathi 2, Community Volunteers etc. It is the stand of the respondents that the engagement of these category of employees had been discontinued *inasmuch as*, the scheme under which they were appointed had in the meantime been discontinued. In the circumstance, some similarly situated persons have approached this Court by way of WP(C)No.3667/2023, wherein the order dated 23.06.2023 was passed which is extracted as below:

“....2. The petitioners before this Court were serving as Education Volunteers (EV) under different Education Guarantee Scheme (EGS) Centers, which were established for implementation of provisions of the Right to Free and Compulsory Education Act, 2009.

The appointment of the petitioners as Education Volunteers were made after a selection process.

3. The EGS Centers have been shut down due exhaustion of funds and the petitioners presently are without any job. They also do not possess the Teacher Eligibility Test (TET) qualifications. As such, they are unable to apply for the job of Teachers.

4. Therefore, being aggrieved, the petitioners had made a representation before the Minister of Education, Government of Assam by representation dated 02.06.2022, praying for relaxing from passing out the mandatory TET qualification in respect of the petitioners and permit them to apply for any teacher post.

5. After hearing the learned counsel for the parties, it appears that the representation dated 02.06.2022 is made to the Minister of Education, Government of Assam and not before the appropriate authority. Accordingly, this writ petition is disposed of directing the petitioners to file a fresh representation before the Secretary, School Education Department, Govt. of Assam within a period of 2(two) weeks from today. Thereafter, on receipt of the representation, the Secretary, School Education Department shall consider and dispose of the same by a speaking order in accordance with law within a period of 2(two) months from the date of receipt of the representation.

6. With the aforesaid observations and directions, the writ petition is disposed of."

3. Taking note of the similarity between the petitioners of the present writ petition and the petitioners of WP(C)No.3667/2023, similar direction is also passed in this writ petition also, meaning thereby, that the writ petitioners herein may also file their respective representations before the respondent No.1 being the Secretary to the Govt. of Assam, Department of School Education within a period of 2(two) weeks from today and in the event of any such representations being filed, a reasoned order be passed thereon within a

period of 2(two) months from the date of receipt of such representations.

4. Writ petition stands disposed of in the above terms.

JUDGE

Comparing Assistant