

GAHC010239262022



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

Case No. : WP(C)/664/2023

LAKSHMI BARO DAS AND 4 ORS
W/O PRADIP DAS, VILL- DARANGI PARA, P.O.-DAGAPARA, P.S.-
MUKALMUA, DIST-NALABRI (ASSAM), PIN-781126

2: NAMITA PATHAK
W/O JITEN DAS
VILL-DAULASAL
P.O.-DAULASAL
P.S.-MUKALMUA
DIST-NALBARI (ASSAM)
PIN-781312

3: NIPU SAIKIA
W/O LATE SATISH NATH
VILL-DAULASAL
P.O.-DAULASAL
P.S.-MUKALMUA
DIST-NALBARI (ASSAM)
PIN-781312

4: MD. SHIDDIKUR RAHMAN
S/O LATE ILAHI BASKA MUNCHI
VILL-KANDHBARI
P.O.-KANDHBARI
P.S.-MUKALMUA
DIST-NALBARI (ASSAM)
PIN-781126

5: MOHIR UDDIN AHMED
S/O BABAR ALI
VILL-KANDHBARI
P.O.-KANDHBARI
P.S.-MUKALMUA
DIST-NALBARI (ASSAM), PIN-78112

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, ELEMENTARY EDUCATION DEPARTMENT,
DISPUR, GUWAHATI-6

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM, KAHILIPARA, GUWAHATI-19

3:THE MISSION DIRECTOR
AXOM SARBA SIKSHA ABHIJAN MISSION
KAHILIPARA, GUWAHATI-19

4:THE DISTRICT LEVEL COMMITTEE
REPRESENTED BY ITS CHAIRMAN-CUM-DEPUTY COMMISSIONER
NALBARI, ASSAM

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER-CUM-DISTRICT
MISSION COORDINATOR
NALBARI, ASSAM

6:THE BLOCK ELEMENTARY EDUCATION OFFICER-CUM-BLOCK MISSION
COORDINATOR
BARKHETRI ELEMENTARY EDUCATION BLOCK
DIST-NALBARI (ASSAM)

Advocate for the Petitioner : MR. M K HUSSAIN

Advocate for the Respondent : SC, ELEM. EDU

B E F O R E

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

08-02-2023

Heard Mr. M.K. Hussain, learned counsel for the petitioners. Also heard Mr. P.N. Sarma, learned Standing Counsel, Elementary Education Department for Respondents No.1, 2, 5 and 6; Mr. P. Nayak, learned Standing Counsel, SSA appearing for Respondent No.3; and Ms. D.D. Barman, learned Government Advocate, Assam for Respondent No.4.

2. Petitioners earlier served as Sanyogi Siksha Karmi under the Sarba Siksha Abhijan (SSA in short), Assam since 2005. However, the posts of Sanyogi Siksha Karmi under SSA, Assam were abolished in the year 2012 and since then, they are not in service.

3. Representatives of the petitioner's association namely, All Assam Sanyogi Siksha Karmi Union along with the concerned departmental Minister of Education and concerned officials of the SSA had a meeting held on 23.02.2016 wherein 6(six) resolutions were taken. The same reads as under:

“ › The genuine list of Siksha Karmi's will be submitted by the Sanyogi Siksha Karmi Union to the MD, SSA within a week. The list will be submitted genuine one there should not be any mismatch of date. The State Mission Office of SSA, Assam will verify the list as per record.

› It is decided that inclusion of Ka-shreni at elementary level will increase the enrolment and quality education. The Mission Director, SSA will submit the proposal to the Govt. of India. (PAB, 3 rd March, 2016) for inclusion of Ka-shreni at Elementary level.

› It is reiterated to create five number of posts against five number of classes in elementary level.

› It is resolved that preference will be given to the Sanyogi Siksha Karmi's during the time of filling up of vacancies in Ka-shreni in future.

› Priority will be given to the Sanyogi Siksha Karmi's against any vacancies under elementary department.

› ***The union will call of their ongoing agitation as assured in the meeting.”***

4. It is the case of the petitioners that the State Government in the Education Department is contemplating to rename certain policies as per the New Education Policy (NEP). As such the petitioners Union made a representation dated 01.02.2022 before the Mission Director, SSA, Assam to consider their cases and to appoint them in terms of the resolution dated 23.02.2016 as teachers in Pre-Primary Schools under the New Education Policy to be adopted by the State Government.

5. However, as the representation is yet to be disposed of by the SSA, Assam, the petitioners have preferred this writ petition praying amongst others for a direction to the Mission Director, SSA, Assam to appoint or accommodate them as teachers in Ka-shreni/Foundation stage under the Elementary Education Department under the New Education Policy.

6. Learned standing counsel for the Elementary Education Department as well as SSA, Assam submits that the provisions of New Education Policy has not yet been adopted either by the State Government in the Elementary Education Department or by the SSA, Assam.

7. On that ground, the petitioners are allowed to file fresh representation before the Mission Director, SSA, Assam, along with the certified copy of this order with the copies of the writ petition including the annexures appended thereto on or before 22.02.2023 stating their grievances before the said authority obtaining necessary acknowledgement from him/her in that regard.

8. In the event of filling such representation by the petitioners, as directed

above, within the stipulated period of time, the respondent authorities shall consider the case of the petitioners as per their entitlement, if any, being served as Sanyogi Siksha Karmi since 2005 and shall communicate the petitioners about the outcome of their representation.

9. With the above observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant