

GAHC010259122023



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

Case No. : WP(C)/6730/2023

NURUN NAHAR BEGUM AND 9 ORS
C/O ABDUS SALAM, VILL-GUNAIBORI, P.O.-LUCHANABORI, P.S.-
MOIRABARI, DIST-MORIGAON (ASSAM), PIN-782126

2: FORIDA YEASMIN
C/O MD. AKBAR ALI
VILL- NO. 1 MOUJADAR GAON
P.O.-NAKHUTI
P.S.-LUMDING
DIST-NAGAON (ASSAM)
PIN-782447

3: ROFIQUL ALAM
C/O MANNAS ALI
VILL-BOR HOLLOWKANDA
P.O.-HOLLOWKANDA
P.S.-BHURAGAON
DIST-MORIGAON (ASSAM)
PIN-782121

4: SHAHJAHAN ALI
C/O ABDUL QUDDUS
VILL-BORCHALA
P.O.-BORCHALA
P.S.-LAHARIGHAT
DIST-MORIGAON (ASSAM)
PIN-782106

5: AYNAL HOQUE
C/O JOHUR UDDIN
VILL-MOHMARA
P.O.-GORAIMARI
P.S.-LAHARIGHAT
DIST-MORIGAON (ASSAM)

PIN-782104

6: ROFIQUL ISLAM
C/O ALAL UDDIN
VILL-LOCHANABORI
P.O.-LOCHANABORI
P.S.-MOIRABARI
DIST-MORIGAON (ASSAM)
PIN-782126

7: MIRAJ ALI
C/O ISMAIL HUSSAIN
VILL-BAGALIPARA
P.O.-CHETUAI KHAITI
P.S.-LAHARIGHAT
DIST-MORIGAON (ASSAM)
PIN-782127

8: MukTADUR RAHMAN
C/O MOHAMMAD ALI
VILL-AMRAGURI
P.O.-JALAKIABORI
P.S.-LAHARIGHAT
DIST-MORIGAON (ASSAM)
PIN-782127

9: NADIRA KHATUN
C/O SOMSHER ALI
VILL-LAHARIPAM
P.O.-GORAIMARI
P.S.-LAHARIGHAT
DIST-MORIGAON (ASSAM)
PIN-782104

10: MOFIDUL ISLAM
C/O HAZRAT ALI
VILL-CHUTIAGAON
P.O.-DHUMKURA
P.S.-LAHARIGHAT
DIST-MORIGAON (ASSAM)
PIN-78212

VERSUS

THE STATE OF ASSAM AND 2 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF ASSAM, EDUCATION ELEMENTARY DEPARTMENT, DISPUR,
GUWAHATI-6, ASSAM

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

3:THE MISSION DIRECTOR
SARBA SHIKSHA ABHIYAN MISSION
ASSAM
KAHILIPARA
GUWAHATI-1

Advocate for the Petitioner : MR. A R BHUYAN

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 28-11-2023

Heard Mr. A.R. Bhuyan, learned counsel for the petitioners. Also heard Mr. B. Choudhury, learned counsel for the respondents in the SSA and Mr. Ganesh Pegu, learned counsel for the respondents in the Elementary Education Department of Government of Assam.

2. The petitioner claims that the issue raised in this writ petition would be covered by the order dated 23.06.2023 in WP(C)/3667/2023 and similar order may be passed. The order dated 23.06.2023 in WP(C)/3667/2023 is extracted as below:

“Heard Mr. A.R.Bhuyan, learned counsel for the petitioners. Also heard Ms. N.Phukan, learned standing counsel, Elementary Education for the respondent Nos. 1 and 2 and Mr. S.Bora, learned standing counsel, SSA for the respondent No.3.

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. Mr. B. Choudhury, learned counsel for the SSA and Mr. Ganesh Pegu, learned counsel for the Elementary Education Department also agrees that the matter involved is covered by the order dated 23.06.2023 in WP(C)/3667/2023.

4. As provided in the order dated 23.06.2023 in WP(C)/3667/2023 the petitioners may also submit representation before the Secretary to the Government of Assam in the Elementary Education Department and in the event such representation be submitted, a reasoned order may be passed on the same.

Writ petition stands disposed of in the above terms.

JUDGE

Comparing Assistant