

GAHC010010922024



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

Case No. : WP(C)/322/2024

MONSURA KHATUN
W/O ABDUL BATEN SARKAR, VILL-CHATAIMARI, P.O.-SIMLABARI,
P.S.-LAKHIPUR, DIST-GOALPARA, ASSAM, PIN-783330

VERSUS

1: THE STATE OF ASSAM AND 7 ORS REPRESENTED BY THE SECRETARY
TO THE GOVT. OF ASSAM, DEPARTMENT OF SCHOOL EDUCATION
(ELEMENTARY), DISPUR, GUWAHATI-06

2:THE DIRECTOR OF ELEMENTARY EDUCATION ASSAM -CUM-
CHAIRMAN OF THE STATE LEVEL SCRUTINY COMMITTEE ELEMENTARY
EDUCATION ASSAM KAHILIPARA GUWAHATI-19

3:THE DEPUTY COMMISSIONER -CUM- CHAIRMAN OF DISTRICT
SCRUTINY COMMITTEE GOALPARA P.O.-GOALPARA DIST-GOALPARA
ASSAM PIN-783101

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER -CUM- MEMBER
SECRETARY OF THE DISTRICT SCRUTINY COMMITTEE GOALPARA
P.O.-GOALPARA DIST-GOALPARA ASSAM PIN-783101

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
LAKHIPUR P.O.-LAKHIPUR DIST-GOALPARA ASSAM PIN-783330

6:ZAHANGIR ALOM
HEAD MASTER/TUTOR OF CHATAIMARI M.E. MADRASSA S/O ABDUR
RAHMAN VILL- CHATAIMARI P.O.-SIMLABARI P.S.-LAKHIPUR DIST-
GOALPARA ASSAM PIN-783330

7:ACHITON BEGUM
TUTOR OF CHATAIMARI M.E. MADRASSA W/O MOZIRUDDIN SK.
VILL- RAKHALKILLA P.O.-SIMLABARI P.S.-LAKHIPUR DIST- GOALPARA
ASSAM PIN-783330

8:SABOR UDDIN SHEIKH
ASSTT. TEACHER OF CHATAIMARI M.E. MADRASSA S/O LT. PAMOR
UDDIN SHEIKH VILL- CHATAIMARI P.O.-SIMLABARI DIST- GOALPARA
ASSAM PIN-78333

Advocate for the Petitioner : MR. M R KHANDAKAR

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 24-01-2024

Heard Mr. M.R. Khandakar, learned counsel for the petitioner. Also heard Mr. B. Kaushik, learned standing counsel, Education (Elementary) Department, representing the respondent Nos.1, 2, 4 & 5 and Mr. B. Deori, learned Junior Government Advocate, Assam, representing the respondent Nos.3.

The petitioner had earlier approached this Court by way of instituting WP(C) No.3885/2023 raising a grievance with regard to rejection of his case for provincialisation and provincialisation of persons, who according to him were not eligible for such benefit. The said writ petition was disposed of by this Court vide order dated 11.12.2023 on a prayer made by the writ petitioner that he be permitted to withdraw the writ petition to pursue the appeal.

On 21.12.2023, the petitioner had submitted a fresh appeal before the Director of Elementary Education, Assam, highlighting his grievances and also bringing on record the justification towards his claim for provincialisation of his services. The said appeal is presently pending disposal before the said Authority.

In view of the above, this writ petition stands disposed of requiring the Director of Elementary Education, Assam to take on record the appeal dated 21.12.2023 preferred by the petitioner and thereafter, on consideration of the issues raised therein along with the clarifications provided, dispose of the same by way of a speaking order encompassing all the issues as raised by the petitioner in the said appeal. The petitioner for the purpose of facilitating disposal of the said appeal, shall furnish to the Director of Elementary Education, Assam, a certified copy of this order along with a forwarding. The said exercise be initiated and completed by the Director of Elementary Education, Assam within a period of 2(two) months from the date of receipt of a certified copy of this order. It is provided that the Director of Elementary Education, Assam, for the purpose of coming into conclusion with regard to the grievances raised by the petitioner, shall provide an opportunity of hearing to the petitioner as well as the respondent Nos.6, 7 & 8.

With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant