

GAHC010012612024



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

Case No. : WP(C)/436/2024

NAZRUL ISLAM AND 3 ORS
S/O LATE AYUB ALI
VILL- SAJPUR
P.O.-MANIKGANJ
P.S.-KARIMGANJ
DIST-KARIMGANJ
ASSAM
PIN-788712

2: EBADUL HAQUE
S/O LATE AYUB ALI
VILL- SAJPUR
P.O.-MANIKGANJ
P.S.-KARIMGANJ
DIST-KARIMGANJ
ASSAM
PIN-788712

3: SHAHID AHMED CHOUDHURY
S/O LATE ASRAF UDDIN CHOUDHURY
VILL-MARRERA
P.O.-MANIKGANJ
P.S.-KARIMGANJ
DIST-KARIMGANJ
ASSAM
PIN-788712

4: MD. KHALID AHMED
S/O IMDADUR RAHMAN
VILL- SAJPUR
P.O.-MANIKGANJ
P.S.-KARIMGANJ
DIST-KARIMGANJ
ASSAM

PIN-788712
VERSUS

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

2:THE STATE LEVEL SCRUTINY COMMITTEE FOR PROVINCIALISATION OF
SERVICES OF THE TEACHERS
OF VENTURE EDUCATIONAL INSTITUTIONS
REPRESENTED BY ITS CHAIRMAN CUM DIRECTOR OF ELEMENTARY
EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE DISTRICT LEVEL SCRUTINY COMMITTEE FOR PROVINCIALISATION
OF SERVICES OF THE TEACHERS
OF VENTURE EDUCATIONAL INSTITUTIONS
REPRESENTED BY ITS CHAIRMAN CUM DEPUTY COMMISSIONER
KARIMGANJ
DIST- KARIMGANJ
ASSAM
PIN-788710

4:THE DISTRICT ELEMENTARY EDUCATION
KARIMGANJ
DIST-KARIMGANJ
ASSAM
PIN-788710

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
NORTH KARIMGANJ
DIST-KARIMGANJ
ASSAM
PIN-788710

Advocate for : MR. S B LASKAR
Advocate for : SC
ELEM. EDU appearing for THE STATE OF ASSAM AND 4 ORS

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

ORDER

Date : 09.08.2024

Heard Mr. S. B. Laskar, learned counsel for the petitioner. Also heard Mr. S. M. T. Chistie, learned Standing Counsel for the Department of School Education, appears for respondents no. 1, 2, 4 & 5 and Ms. D. Das Burman, learned Government Advocate appears for respondents no. 3.

The petitioners, in the present proceeding have raised a grievance with regard to the non-consideration of their cases for provincialization of their services in spite of the fact that the jurisdictional District Scrutiny Committee, on verification of their service particulars, had recommended their cases for provincialization of their services.

The petitioners, herein, are serving teachers of Sajpur M.E. School. The cases of the serving teachers of the said school were taken up for consideration for provincialization of their services under "The Assam Education (Provincialisation of Services of Teachers and Re-Organisation Institutions) Act, 2017" and accordingly, the same came to be placed before the District Scrutiny Committee, Karimganj.

The District Scrutiny Committee, Karimganj, in its meeting held on 06.02.2018, on verification of the service particulars of the petitioners, herein, proceeded to recommend their names for provincialization of their services. The recommendations as made by the jurisdictional District Scrutiny Committee came to be forwarded to the Director of Elementary Education, Assam, by the District Elementary Education Officer,

Karimganj, vide communication dated 13.02.2018.

It is the categorical contention of the petitioners, herein, that after the matter was so placed before the Director of Elementary Education, Assam, no further consideration as mandated under the said Act of 2017 has been carried out.

In view of the above position, this Court hereby directs the Director of Elementary Education, Assam to take on record, the recommendation as made by the District Scrutiny Committee, Karimganj in respect of the petitioners and thereafter, on such processing as may be mandated to be done, place the same before the State Level Scrutiny Committee for further consideration. Thereafter, the Director of Elementary Education, Assam shall proceed in the matter, as per the recommendations that would now be made by the State Level Scrutiny Committee and take the process of provincialization of the services of the petitioners to its logical conclusion, by strictly adhering to the provisions of the said Act of 2017.

The above exercise shall be now initiated and concluded by the Director of Elementary Education, Assam within a period of 3(three) months from the date of receipt of certified copy of this order along with a representation from the petitioners herein.

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

JUDGE

Comparing Assistant