

GAHC010013122016



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

Case No. : WP(C)/2262/2016

LEKHAN UPADHYAYA

S/O- SRI PREM LAL UPADHYAYA, R/O VILL.- JUNAKI NAGAR, P.O. and P.S.-
SILAPATHAR, DIST.- DHEMAJI, ASSAM, PIN- 787059.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM,
EDUCATION DEPTT., DISPUR, GUWAHATI- 6.

2:THE DY. SECY. TO THE GOVT. OF ASSAM
SECONDARY EDUCATION DEPTT.
DISPUR
GHY- 6.

3:THE DIRECTOR
SECONDARY EDUCATION
ASSAM
KAHILIPARA
GHY- 19.

4:THE JOINT DIRECTOR
SECONDARY EDUCATION
ASSAM
KAHILIPARA
GHY- 19.

5:THE DIST. SCRUTINY COMMITTEE FOR SECONDARY EDUCATION
REP. THROUGH ITS CHAIRMAN
THE DY. COMMISSIONER
DHEMAJI DIST.
ASSAM

PIN- 787057.

6:THE INSPECTOR OF SCHOOLS
DHEMAJI DIST. CIRCLE
DIST.- DHEMAJI
ASSAM
PIN- 787057.

7:THE HEAD MASTER
PHULBARI HIGH SCHOOL
VILL.- PHULBARI
P.O.- SILAPATHAR
DIST.- DHEMAJI
ASSAM
PIN- 787059

Advocate for the Petitioner : MS.A BARUAH

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 20.03.2024

Heard Mrs. A. Bujarbaruah, learned counsel for the petitioner. Also heard Mr. U. Sarma, learned standing counsel, Secondary Education Department.

Mrs. A. Bujarbarua, learned counsel for the petitioner submits that in the writ petition the petitioner has prayed for consideration of his case under the Assam Venture Educational Institution (Provincialisation of Services) Act, 2011 (in short, “Act of 2011”).

She submits that as the said Act of 2011 having been set aside and quashed by this Court in the meantime, the case of the petitioner cannot be considered under the provision of the Act of 2011. Accordingly, she prays for withdrawal of the writ petition.

Prayer is allowed.

The writ petition stands dismissed on withdrawal.

However, the petitioner is granted liberty to approach the respondent authority by way of filing an appropriate application praying for consideration of his case for provincialisation under the provision of the Assam Education (Provincialisation of Services of Teachers and Re-organization of Educational Institutions) Act of 2017. In the event of filing of any such application, the respondent authority shall consider the same strictly in accordance with the provision of the Act of 2017.

JUDGE

Comparing Assistant