

GAHC010019942024



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

Case No. : Review.Pet./18/2024

KORMAN ALI SHEIKH AND ANR.
S/O ALABOX ALI SHEIKH, VILL.- GURGURIPARA, P.O.- BONDIHANA, P.S.-
FAKIRGANJ, DIST.- DHUBRI, ASSAM, PIN- 783349.

2: MOYNUL HOQUE
S/O SOHAR UDDIN

VILL.- SALMARA PART- IV

P.O.- BONDIHANA

DIST.- DHUBRI
ASSAM
PIN- 783349

VERSUS

THE STATE OF ASSAM AND 7 ORS
TO BE REPRESENTED BY THE SPECIAL COMMISSIONER TO THE GOVT. OF
ASSAM, EDUCATION ELEMENTARY DEPTT., DISPUR, GUWAHATI- 6.

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

3:THE SSA
ASSAM
KAHILIPARA
GUWAHATI- 19.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DHUBRI
DIST.- DHUBRI

ASSAM
PIN- 783301.

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
BILASIPARA
P.O.- BILASIPARA
DIST.- DHUBRI
ASSAM
PIN- 783348.

6:THE GURGURIPARA ISLAMIYA ME MADRASSA
P.O.- BANDIHANA
DIST.- DHUBRI
ASSAM
PIN- 783349.
TO BE REP. BY ITS HEADMASTER.

7:SHORIFUL ISLAM
S/O LATE HAJI SUKUR ALI DEWANI

RESIDENT OF VILLAGE PADMER ALGA PART I
PO PADMER ALGA
PS FAKIRGANJ
DIST DHUBRI
ASSAM 783349

8:THE DISTRICT SCRUTINY COMMITTEE
DHUBRI
TO BE REP. BY THE DEPUTY COMMISSIONER
DHUBRI
P.O. AND DIST.- DHUBRI
ASSAM
PIN- 783301

Advocate for the Petitioner : MR. S CHOWDHURY

Advocate for the Respondent : SC, ELEM. EDU

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

ORDER

Date : 17.02.2024

Heard Mr. S. Chowdhury, learned counsel for the review petitioner.

Also heard Mr. R. Majumdar, learned standing counsel for the Department of School Education representing the respondents no. 1, 2, 4 & 5 and Ms. P. Das, learned counsel appearing on behalf of Mr. P. Nayak, learned standing counsel for the SSA, Assam representing the respondent no. 3; Mr. A. D. Choudhury, learned counsel for the respondent no. 6; Mr. A. R. Bhuyan, learned counsel for the respondent no. 7/writ petitioner as well as Mr. P. Saikia, learned counsel for the respondent no. 8.

The present review petition is instituted praying for a review of the order dated 12.01.2024, by which this Court on consideration of the issues arising in the writ petition had directed the respondent authorities in the Elementary Education Department to release the current salaries of the petitioner forthwith from the month of December, 2023, and payment be made to the petitioner within a period of 10(ten) days. It was further directed that the salaries of the petitioner shall be released regularly w.e.f the month of January, 2024, until further orders from this Court.

It is the apprehension of the review petitioner that by virtue of the respondent no. 7/writ petitioner herein, receiving his salaries, the provincialisation as made in his case would be deemed to be confirmed and that would cause prejudice to the interest of the review petitioner.

Upon hearing the parties to the proceeding and appreciating the apprehension as raised by the review petitioner, it is clarified that the order dated 12.01.2024 as passed in WP(C)/5620/2022 was so passed only as an interim measure and the same shall not confer any right on the petitioner to claim that the provincialisation order as passed in his case has attained its finality. The provincialisation order as passed in the case of the petitioner is subject to the final adjudication that would be undertaken by this Court in the connected writ petition.

In view of the said clarification, the apprehension of the review petitioner is redressed and accordingly, the review petition stands dismissed.

JUDGE

Comparing Assistant