

GAHC010030322024



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

Case No. : WP(C)/937/2024

MAINU MOMTAZ AHAMED AND ANR
W/O SAIDUL ISLAM
RESIDENT OF AMGURI, PO AND PS KALGACHIA, DIST BARPETA, ASSAM
781319

2: SRI JITENDRA NATH DEKA
S/O LATE ATHIT DEKA
VILLAGE PAKIMURI
PO KABIRALI
PS KALAIGAON
DIST UDALGURI ASSAM 78452

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 06, ASSAM

2: THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI 19

3: THE MISSION DIRECTOR
SARBA SIKSHA ABHIYAN MISSION ASSAM KAHILIPARA
GUWAHATI 1

Advocate for the Petitioner : MR. A R BHUYAN

Advocate for the Respondent : SC, ELEM. EDU

B E F O R E
HON'BLE MR. JUSTICE KARDAK ETE

23.02.2024

Heard Mr. A.R. Bhuyan, learned counsel for the petitioner. Also heard Mr. P.K. Bora, learned counsel for the respondents no. 1 and 2 and Mr. P. Nayak, learned Standing Counsel, SSA for the respondent no. 3.

The petitioners were initially engaged as education volunteers (EV) in different Education Guarantee Scheme (EGS) centres established for the implementation of Right to Free and Compulsory Education Act, 2009 on Rs. 3,000/- per month. Thereafter, Education Guarantee scheme was discontinued. In view of the discontinuation of the Education Guarantee Scheme, the service of the petitioner automatically gets discontinued. According to the petitioner, this Court in the similar case in WP(C) 7245/2023, vide order dated 13.12.2023, having found that the petitioners in the writ petition are similarly situated with WP(C) 3667/2023 and is covered the matter involved therein, directed the petitioners to submit representation before the Secretary to the Government of Assam in the Elementary Education Department. It has further directed that in the event of such representation is submitted, a reasoned order may be passed on the same.

It is submitted at the Bar that the present writ petitioners are similarly situated with that of the writ petitioners in WP(C) 3367/2023 and WP(C) 7245/2023. Having considered the submissions and on the consent of the learned counsel for the parties, this writ petition stands disposed of with a direction to the petitioners to file a representation to the Secretary to the Govt.

of Assam in the Elementary Education Department. In the event, the representation is filed, the respondent authority shall consider the same within a period of 6(six) weeks from the date of receipt of certified copy of this order.

With the above observation and direction, this writ petition stands allowed and disposed of.

JUDGE

Comparing Assistant