

GAHC010073802021



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

Case No. : WP(C)/2849/2021

ABDUL JUBBAR AKANDA AND ANR
S/O ABDUL MALIK, ASSTT. TEACHER OF ADURIPARA CHANGBANDHA ME
MADRASSA
RESIDENT OF VILLAGE ADURIPARA, PO KACHUMARA, PS KACHUMARA,
DIST BARPETA, ASSAM 781127

2: ABDUL KARIM
S/O LATE NAZIRUDDIN MONDOL
ASSTT. TEACHER OF ADURIPARA CHANGBANDHA ME MADRASSA
RESIDENT OF VILLAGE ADURIPARA
PO KACHUMARA
PS KACHUMARA
DIST BARPETA
ASSAM 78112

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, ELEMENTARY EDUCATION DEPARTMENT, GUWAHATI 781006

2: COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
ELEMENTARY EDUCATION DEPARTMENT
GUWAHATI 781006

3: THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI 19

4: DISTRICT ELEMENTARY EDUCATION OFFICER (D.E.E.O)
BARPETA
ASSAM

78130

Advocate for the Petitioner : MD. M H CHOUDHURY

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HON'BLE MR. JUSTICE KARDAK ETE**

O R D E R

09.02.2024.

Heard Mr. M.K. Choudhury, learned counsel for the petitioners. Also heard Mr. P.K. Bora, learned standing counsel for the Elementary Education Department appearing for all the respondents.

(2) By filing this Writ Petition, the petitioners have prayed for a direction to the respondent authorities to provincialise their services as Assistant Teachers/Tutors in terms of the Assam Education (Provincialisation of Services of Teachers and Re-Organisation of Educational Institutions) Act, 2017 (here-in-after referred to as 'the Act of 2017').

(3) The case projected by the petitioners is that they are founder teachers of Aduripara Changbanda M.E. Madrassa, which was established in village Aduripara in Barpeta District, in the year 1984. The M.E. Madrassa was established by some like minded and educated persons of the village who felt that it was imperative to establish the institution for imparting elementary education to the down trodden students of this village so that they can be developed socially, economically and educationally. The petitioners since then

are continuously serving with a hope and expectation that the Madrassa and their services will be provincialised/regularized.

(4) It is contended that similarly situated other teachers of the said Madrassa have been provincialised by the Government vide order dated 04.02.2021 but the respondent authorities have arbitrarily dropped their names from list of the provincialised teachers.

(5) It is contended at the bar that there is an Appeal provision under Section 14 of the Act of 2017.

(6) Having considered that there is a provision of Appeal under Section 14 of the Act of 2017, this Writ Petition is disposed of with a direction to both the petitioners to file separate Appeals under Section 14 of the Act of 2017, within fifteen (15) days from today. On such filing of Appeals, the appellate Authority shall consider the respective case of the petitioners, by giving them an opportunity of hearing and pass appropriate order(s) within three (3) months, from the date of receipt of the said Appeal.

(7) The Writ Petition stands disposed of in terms of the above direction and order. No order as to cost(s).

JUDGE

Comparing Assistant