

GAHC010080982021



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

Case No. : WP(C)/2920/2021

MEHERUN NESSA
D/O HABIBUR RAHMAN
VILLAGE HORIRCHAR PART I, PO MADRASSAPARA, DIST BONGAIGAON,
ASSAM, 783384

VERSUS

THE STATE OF ASSAM AND 3 ORS
THROUGH THE SECRETARY TO THE GOVT. OF ASSAM ELEMENTARY
EDUCATION, DISPUR GUWAHATI 06

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM KAHILIPARA
GHY 19

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
BONGAIGAON
ASSAM

4:THE DISTRICT SCRUTINY COMMITTEE
BONGAIGAON
REPRESENTED BY ITS CHAIRPERSON CUM DEPUTY COMMISSIONER
BONGAIGAON
DIST BONGAIGAON
ASSA

Advocate for the Petitioner : MR M H AHMED

Advocate for the Respondent : GA, ASSAM

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

O R D E R

04.03.2024.

Heard Mr. M.H. Ahmed, learned counsel for the petitioner. Also heard Mr. A. Phukan, learned standing counsel, Elementary Education Department appearing for the respondent Nos.1, 2 & 3 and also heard Ms. D.D. Barman, learned Addl. Senior Government Advocate, appearing for the respondent No.4.

2) The petitioner was appointed as Arabic Teacher by the School Managing Committee of Harirchor M.E. Madrassa on 08.08.2008 and the said school was recognized under Section 12 of the Assam Elementary (Provincialisation) Act, 1974. According to the petitioner, her appointment was approved by the District Elementary Education Officer (DEEO), Bongaigaon vide order dated 14.12.2012. She imparts lesson of Arabic to the students of the said school. It is contended that the District Scrutiny Committee, Bongaigaon recommended her name for provincialisation of her service as Arabic Teacher along with six other employees of the said school. The name of the petitioner is also reflected in the DISE Code. However, vide impugned order dated 04.02.2021, the service of the petitioner has not been provincialized, while provincialising the other teachers and employees.

3) Section 14 of the Assam Education (Provincialisation of Services of Teachers and Re-Organisation of Educational Institutions) Act, 2017 (as amended in 2018), provides for an appeal against the recommendation before the Appellate Authority.

4) As agreed to by the learned counsel for the parties and on consent, the Writ Petition is disposed of with a direction to the petitioner to file an appeal before the Appellate Authority under Section 14 of the Act of 2017, within twenty five (25) days from today. On such filing of Appeal, the appellate Authority shall consider the case of the petitioner, by giving her an opportunity of hearing and pass appropriate order(s) within two (2) months, from the date of receipt of the said Appeal.

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

JUDGE

Comparing Assistant