

GAHC010081112021



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

Case No. : WP(C)/2917/2021

AKLIMA KHATUN
D/O LATE ALA UDDIN AHMED
VILLAGE MERERCHAR, PO KUSHBARI, 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
GUWAHATI 19

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER

BONGAIGAON
ASSAM

4:THE DISTRICT SCRUTINY COMMITTEE

BONGAIGAON
REPRESENTED BY ITS CHAIRPERSON CUM DEPUTY COMMISSIONER
BONGAIGAON
ASSAM

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

09.02.2024.

Heard Mr. M.H. Ahmed, learned counsel for the petitioner. Also heard Mr. A. Phukan, learned standing counsel for the Elementary Education Department as well as Ms. D.D. Barman, learned Addl. Senior Government Advocate, Assam, appearing for all the respondents.

(2) The petitioner is aggrieved by non-consideration for provincialisation of her service as Arabic Teacher in the C.K. Sarkar Girls' ME Madrassa in Bongaigaon District. The petitioner was initially appointed as Arabic Teacher in the C.K. Sarkar Girls' ME Madrassa on 20.12.1992 and accordingly, she joined in her service on 01.01.1993.

(3) As per 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'), the District Scrutiny Committee of the Bongaigaon District recommended the name of the petitioner for provincialisation of her service as Arabic Teacher along with other five employees of the school. By order dated 04.02.2021, the services of the other teachers and employees have been provincialised. However, the service of the petitioner has not been considered for provincialisation.

(4) It is stated at the bar that Section 14 of the Act of 2017 provides for

provision of an Appeal before the Appellate Authority, against any action/decision of the authority.

(5) Accordingly, as agreed to by the learned counsel for the parties and having considered that under Section 14 of the Act of 2017, there is a provision for Appeal, this Writ Petition is disposed of with a direction to the petitioner to file an Appeal under Section 14 of the Act of 2017, within twenty (20) 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 three (3) months, from the date of receipt of the said Appeal.

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

JUDGE

Comparing Assistant