

GAHC010081262021



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

Case No. : WP(C)/3272/2021

ABESH ALI MONDAL
S/O ABJAL MONDAL
VILLAGE GASPARA (KHELUAPARA) PART IV
PO KHELUAPARA, DIST BONGAIGAON, ASSAM, 783371

VERSUS

THE STATE OF ASSAM AND 3 ORS
THROUGH THE SECRETARY TO THE GOVT. OF ASSAM, ELEMENTARY
EDUCATIO,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 CHAIRMAN CUM DEPUTY COMMISSIONER
BONGAIGAON
ASSA

Advocate for the Petitioner : MR M H AHMED

Advocate for the Respondent : GA, ASSAM

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

01.03.2024

Heard Mr. M.H. Ahmed, learned counsel for the petitioner. Also heard Mr. B. Kaushik, learned Standing Counsel, Elementary Education Department and Ms. D.D. Barman, learned Addl. Senior Govt. Advocate for the respondent no. 4.

The petitioner claims to be Arabic Teacher in the Kheluapara M.E. Madrassa is aggrieved by the non-provincialization of his service as Arabic Teacher. The District Level Committee in terms of the Section 3 and 8(3) of the Assam Educational (Provincialisation of Services of Teachers and Re-organization of Educational Institutions), Act, 2017 as amended in 2018 (in short Act of 2017) has recommended 4(four) teachers including the petitioner for provincialization of their services. Vide notification dated 04.02.2021, the three teachers have been provincialized. However, the name of the petitioner, namely, Abesh Ali Mondal has been dropped.

Section 14 of the Act of 2017 provides for an appeal against the recommendation of the State Level Committee. As agreed to by the learned counsel for the parties and on consent, the writ+ petition stands disposed of with a direction to the petitioner to file an appropriate appeal before the Secretary of Elementary Education Department, Govt. of Assam within a period of 20 (twenty) days from today. The Secretary of School Education Department, Govt. of Assam shall consider appeal and dispose of the appeal by providing an opportunity of hearing to the petitioner within 4(four) months from the date of receipt of the appeal.

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

JUDGE

Comparing Assistant