

GAHC010089582022



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

Case No. : WP(C)/3197/2022

PRADIP KUMAR DAS
S/O- LT. CHENIRAM DAS, R/O- VILL. TINGTINGIA GAON, P.O. BORAHOM
KATHANI, DIST.- JORHAT, (ASSAM), PIN- 785006.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE COMM. AND SECY., DEPTT. OF ELEMENTARY EDUCATION,
GOVT. OF ASSAM, DISPUR, GHY.-06.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
KAHILIPARA
GHY.-19
KAMRUP(M)
ASSAM.

3:THE DISTRICT SCRUTINY COMMITTEE
JORHAT DISTRICT
REP. BY DY. COMMISSIONER
JORHAT DISTRICT.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
JORHAT DISTRICT.

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
NORTH WEST JORHAT BLOCK
JORHAT.

6:THE HEAD MASTER
TINGTINGIA ANUSUSIT JATI M.E. SCHOOL
PO- BORHAM KATHANI
PIN- 785006

DIST- JORHAT
ASSAM.

7:BUDHIN BARUAH
TUTOR
TINGTINGIA ANUSUSIT JATI M.E. SCHOOL
VILL. TINGTINGIA
PO- BORHAM KATHANI
PIN- 785006
DIST.- JORHAT
ASSAM

Advocate for the Petitioner : MR. B K DAS

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 12.02.2024

Heard Mr. S. Sarmah, learned counsel for the petitioner. Also heard Mr. P.K. Bora, learned standing counsel, Elementary Education Department and Mr. G. Pegu, learned Additional Senior Government Advocate for the State respondents.

2. The grievances of the petitioner is that he was appointed as an Assistant Teacher by the School Managing Committee of Tingtingia Anusutit Jati M.E. School at Tingtingia village, Jorhat vide order dated 27.02.2005 in Assamese subject. Since then, the petitioner is serving in the said school.

3. The respondent No.7 has been provincialised as a tutor in Hindi subject, who is much junior to the petitioner.

4. It is contended that the petitioner being the senior most Assistant Teacher in Assamese subject is entitled to be provincialised under Section 3 of Assam Education (Provincialisation of Services of Teachers and Re-organization of Educational Institutions) Act, 2017 (in short, 'Act of 2017').

5. Section 14 of the Act of 2017 provides for an appeal before the State Government against any recommendation of the State Level Scrutiny Committee.

6. Having considered the provision of Section 14 of the Act of 2017, this writ petition stands

disposed of with a direction to the petitioner to file an appeal before the Secretary to the Government of Assam, Elementary Education Department within a period of 15 days from today. On such appeal being filed, the Secretary to the Govt. of Assam, Elementary Education Department shall consider the appeal by providing an opportunity of hearing to the petitioner and thereafter pass appropriate order in accordance with law within a period of two months from the date of receipt of the appeal.

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

No order as to costs.

JUDGE

Comparing Assistant