

GAHC010103472022



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

Case No. : WP(C)/3731/2022

MD. SAHADOUS ALOM
ASSTT. TEACHER, S/O LATE MANSER ALI BEPARI, R/O VILL- BISONDOI
PART-I, P.O.-BISONDOI PART-I, P.S.-GOLAKGANJ, DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION DEPARTMENT, DISPUR, GUWAHATI-6

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE DEPUTY COMMISSIONER
DHUBRI
ASSAM
P.O.-DHUBRI
PIN-783301

4:THE INSPECTOR OF SCHOOL
DHUBRI DISTRICT CIRCLE
P.O.-DHUBRI
ASSAM
PIN-783301

5:THE HEADMASTER OF BIRAT NAGAR CHARIALI HIGH SCHOOL
BISONDOI
P.O.-GOLOKGANJ
DIST- DHUBRI
PIN-78333

Advocate for the Petitioner : MS B MAJUMDER

Advocate for the Respondent : SC, SEC. EDU.

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 12.01.2024

The petitioner by way of the present proceeding has prayed for provincialisation of his service as a Science teacher in Birat Nagar, Chariali High School of Dhubri district.

2. The case of the petitioner not being considered for such Provincialisation, he had instituted WP(C) 9452/2019 before this Court and this Court vide order dated 08.01.2020 had disposed of the said writ petition requiring the respondent authorities to take the matter forward and to issue necessary order of provincialisation in favour of the petitioner. In terms of the said order dated 08.01.2020, the Director of Secondary Education, Assam vide order dated 29.09.2021 considered the case of the petitioner and rejected his case for provincialisation on the ground that the District Scrutiny Committee, Dhubri had not recommended his name for Provincialisation of his service.

3. The petitioner has by way of the present proceeding also made challenge to the said order dated 29.09.2021.

4. Today Mr. U. Sarma, learned Standing counsel, Directorate of School Education has placed before this Court the communication from the Director of Secondary Education, Assam wherein, it has been stated that although initially the name of the petitioner was not recommended by the District Scrutiny Committee, Dhubri, however on a review being done by the said committee, a fresh recommendation in favour of the petitioner for Provincialisation of his service as Assistant Teacher, Science has been received from the Inspector of School on 26.09.2019.

5. It has also been brought on record that by the said communication the case of the

petitioner has been processed and placed before the next meeting of State Level Scrutiny Committee.

6. In view of such development, this petition stands disposed of directing the Director of Secondary Education, Assam forthwith to consider the case of the petitioner by the State Level Scrutiny Committee and thereafter basing on the recommendation of the said committee to take a decision with regard to the Provincialisation of the service of the petitioner. In the event, the case is favourably recommended by the State Level Scrutiny Committee, necessary orders towards provincialising the services of the petitioner shall be issued by the Director of Secondary Education, Assam. In the event, for any reason, the case of the petitioner is not recommended by the State Level Scrutiny Committee for Provincialisation his services, the reason for such decision shall be communicated to the petitioner in the form of a speaking order.

7. The above exercise shall be carried out within a period of two months from the date of receipt of the certified copy of the order. The order either provincialising the service of the petitioner or communicating to him the reasons for not considering his case for Provincialisation shall be communicated to the petitioner within the said period of two months.

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

9. The instruction as produced by Mr. U. Sarma, learned counsel is kept on record and marked as 'X'.

JUDGE

Comparing Assistant