

GAHC010111832016



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

Case No. : WP(C)/2984/2016

NIRMAL GOYARI
S/O. LT. BAPU RAM GOYARI, VILL. BALISIHA JANGHAL, P.O. JAMUGURI,
DIST. UDALGURI, BTC, ASSAM.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE COMM. and SECY. TO THE GOVT. OF ASSAM, EDUCATION
ELEMENTARY DEPTT., DISPUR, GHY.-781006.

Advocate for the Petitioner : MRS. R S DEURI

Advocate for the Respondent : MR. D NATH (R-1)

BEFORE

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

11.01.2024

Heard Ms. B. Bhuyan, learned counsel for the petitioner. Also heard Mr. P.K. Bora, learned Standing Counsel, Education Department and Ms. R.B. Bora, learned Standing Counsel, BTC.

The petitioner as projected in the writ petition was appointed as Hindi Teacher of Bodo Medium Section in No.2 Nalbari Middle English School on

08.02.1992. It is to be noted that Bodo Medium Section of No.2 Nalbari Middle English School was not provincialised but was operative with the new approval of the authorities. The case of the petitioner and others working in the Bodo Medium Section of No.2 Nalbari Middle English School was considered for provincialisation of their services by the District Scrutiny Committee in its meeting held on 20.02.2013 under the Assam Venture Educational Institutions (Provincialisation of Services) Act, 2011 (for short, '2011 Act'), as amended in 2012. The said Committee on proper consideration of the matter had recommended the case of the petitioner and one another Science Teacher of the said school for provincialisation of their services and accordingly, a post of Hindi Teacher and a post of Science Teacher were required to be created. Before said recommendation could be taken to its logical conclusion, the 2011 Act came to be set aside by this Court. The said 2011 Act as on date is not existing statute and has been replaced by the Assam Education (Provincialisation of Services of Teachers and Re-organisation of Educational Institutions) Act, 2017 (for short, '2017 Act').

In such view of the matter, this writ petition is disposed of directing the respondent No.5, Director of Education, BTC, to forthwith have the case of the petitioner considered for provincialisation of his services under the provisions of the 2017 Act and for the said purpose require the case of the petitioner to be considered by the District Scrutiny Committee as constituted under the said 2017 Act. The case of the petitioner for provincialisation be placed before the District Scrutiny Committee by the respondent No.5 within a period of **1 (one) month** from the date of receipt of a certified copy of this order. Thereafter, basing on the decision that may be arrived at in the matter by the District Scrutiny Committee, further proceedings as may be required be taken. In the event the case of the petitioner is considered in his favour by the District Scrutiny Committee, the respondent No.5 shall take steps for placing the case of the petitioner before the

State Level Committee. To facilitate the above process, the petitioner shall submit a representation praying for consideration of his case before the respondent No.5 along with a certified copy of this order.

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

JUDGE

Comparing Assistant