

GAHC010127692024



2024:GAU-AS:11263

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

Case No. : WP(C)/3489/2024

SUDIPTA SWAMI
D/O LATE RATHINDRA KUNAR SWAMI,
W/O SANTANU MAZUMDAR, GRADUATE TEACHER (MUSIC), RAMANI
MOHAN HIGH SCHOOL, IN THE DISTRICT OF CACHAR,
R/O VILL.- BETHUKANDI, BARENGA PART- IV, P.S.- SILCHAR SADAR, P.O.-
BETHUKANDI, DIST.- CACHAR, ASSAM, PIN- 788005.

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, DEPTT. OF SCHOOL
EDUCATION, DEPTT., DISPUR, GUWAHATI- 6.

2:THE DIRECTOR OF SCHOOL EDUCATION
ASSAM
CUM CHAIRPERSON STATE LEVEL SCRUTINY COMMITTEE
KAHILIPARA
GUWAHATI- 19.

3:THE DISTRICT COMMISSIONER
CACHAR CUM CHAIRPERSON
DISTRICT SCRUTINY COMMITTEE
CACHAR
ASSAM.

4:THE ISNPECTOR OF SCHOOLS
CACHAR DISTRICT CIRCLE
SILCHAR
DIST.- CACHAR
ASSAM CUM MEMBER SECRETARY
DISTRICT SCRUTINY COMMITTEE
CACHAR

ASSAM.

5:THE HEADMASTER
RAMANI MOHAN HIGH SCHOOL
VILL.- BERENGA PART- III
P.S.- SILCHAR SADAR
P.O.- BERENGA
DIST.- CACHAR
ASSAM
PIN- 788005

Advocate for the Petitioner : MR. B PURKAYASTHA, J.P. BARUAH,MR. S SUTRADHAR

Advocate for the Respondent : GA, ASSAM, SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 20.11.2024

Heard Mr. B. Purkayastha, learned counsel for the petitioner. Also heard Mr. S. M. T. Chistie, learned standing counsel, Secondary Education Department for the respondent Nos. 1, 2 and 4 and Mr. G. Pegu, learned Govt. Advocate for the respondent No.3.

2. It is the case of the petitioner that the Ramani Mohan High School in the district of Cachar under which the petitioner was serving as Music Teacher was provincialised w.e.f 01.01.2013. Thereafter, the name of the petitioner was recommended for provincialisation by the District Scrutiny Committee in the year 2018 under the Assam Education (Provincialisation of Services of Teachers & Re-organisation of Educational Institutions) Act, 2017 (the Act of 2017 in short). However, as no final orders were passed with regard to the provincialisation of the service of the petitioner, he approached this Court by

filing WP(C)/5544/2021, which was disposed of by an order dated 26.07.2022, directing the petitioner to make a representation within a period of 10(ten) days from the date of passing of the order and the Director of Secondary Education Department, Assam was also directed to hear the petitioner in person and also verify the records and thereafter, if the petitioner is found to be eligible for provincialisation, a reasoned order to be passed within a period of 2(two) months from the date of receipt of the representation.

3. As no steps were taken consequent to the order dated 26.07.2022 passed in WP(C)/5544/2021, the petitioner approached this Court by filing Contempt Case No.35/2023. During the pendency of the said Contempt Petition, the Director of Secondary Education Assam issued a notice to the petitioner to appear before him for a hearing to be held on 26.09.2023. Accordingly, the said Contempt Petition was closed by an order dated 21.09.2023, directing the Director of Secondary Education, Assam to complete the proceedings of the hearing within a period of 1(one) month from the date of appearance of the petitioner before the Director of Secondary Education, Assam.

4. The case of the petitioner in the present writ petition is that despite the petitioner appearing before the Director of Secondary Education, Assam on 26.09.2023, no further order has been passed till date.

5. This Court on 15.07.2024, directed the learned standing counsel, Secondary Education Department to take instructions.

6. Today, when the matter is called up, Mr. S. M. T. Chistie, learned standing counsel, Secondary Education Department has produced an order dated 11.11.2024, issued by the Director of Secondary Education, Assam, whereby, the claim of the petitioner for provincialisation of services and of the benefits

accrued thereof could not be considered.

7. Mr. B. Purkayastha, learned counsel for the petitioner submits that as the Director of Secondary Education, Assam has already passed the order dated 11.11.2024, pursuant to the hearing that took place on 26.09.2023, the present writ petition may be closed, however, giving liberty to the petitioner to challenge the order dated 11.11.2024, if so advised.

8. Recording the submission made by the learned counsel for the petitioner, this writ petition is accordingly closed, however, giving liberty to the petitioner to challenge the order dated 11.11.2024, if so advised.

9. The order dated 11.11.2024 is placed on record.

JUDGE

Comparing Assistant