

GAHC010146222024



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

Case No. : WP(C)/3723/2024

BIPIN CHANDRA DAS
S/O- LATE BHOM DAS, VILL. KURUABAHI NAGAYA GAON, P.O.
KURUABAHI SATRA, DIST. GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

4:THE STATE LEVEL SCRUTINY COMMITTEE
REPRESENTED BY THE CHAIRMAN CUM DIRECTOR OF ELEMENTARY
EDUCATION
ASSAM
KAHILIPARA
GHY-19

5:THE JOINT COMMITTEE
REPRESENTED BY ITS CHAIRMAN FOR PROVINCIALISATION OF
SERVICES OF TEACHERS CUM CHAIRMAN
BOARD OF SECONDARY EDUCATION
ASSAM
BAMUNIMAIDAM

GHY-21

6:THE MISSION DIRECTOR
SSA
ASSAM
KAHILIPARA
GHY-19

7:THE DISTRICT SCRUTINY COMMITTEE
REPRESENTED BY ITS CHAIRMAN
THE DEPUTY COMMISSIONER
GOLAGHAT
DIST. GOLAGHAT
ASSAM
PIN- 785621

8:THE DISTRICT ELEMENTARY EDUCATION OFFICER
GOLAGHAT
DIST.- GOLAGHAT
ASSAM
PIN- 78562

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR

Advocate for the Respondent : SC, ELEM. EDU, SC, SSA,SC, FINANCE,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 20.12.2024

Heard Mr. M. Khan, learned counsel for the petitioner and Mr. R.

Mazumdar, learned Standing Counsel for the respondent Nos. 1, 3, 5, 7 and 8.

2. The grievance of petitioner, being sought to be addressed in this writ petition, is adumbrated herein below:-

“The petitioner has been working as Headmaster of Kuruabahi Nagaya L.P. School in Golaghat district, since 01.01.1992. On account of non-provincialisation of his service as Headmaster of Kuruabahi Nagaya L.P. School, he filed one writ petition,

being WP(C) No. 4859/2022, for issuing direction to the respondent authorities to provincialise his service. The said writ petition was disposed of, vide order dated 30.07.2022, directing the petitioner to file a fresh appeal under Section 14 of the Assam Education (Provincialisation of Services of Teachers and Re-Organisation Of Educational Institutions) Act, 2017 ('Act of 2017', for short), before the respondent No. 1 and also directed the respondent No. 1 to dispose of and consider the same within a period of two months.

But, the said order was not complied with, for which a contempt petition was also filed. Thereafter, the order was complied with by issuing a speaking order, dated 31.03.2023, (Annexure-14), wherein it has held that the concerned school is eligible for provincialisation. And accordingly, the Director of Elementary Education, Assam was directed to place the proposal for provincialisation before the State Level Committee, as well as Joint Committee for recommendation and take further follow up action.

Thereafter, the State Level Committee, in its meeting dated 30.05.2023, authorized the Director of Elementary Education, Assam to collect report from the District Elementary Education Officer, Golaghat regarding status of land and Samagra Shiksha Axom (SSA) for collection of DISE data report and thereafter, to submit a proposal to the Government for provincialisation of his service, provided the records are found to be in accordance with of the Act of 2017. Thereafter, the

Director of Elementary Education, Assam, after collecting the report, had submitted a proposal for provincialisation to respondent No. 1, who in turn forwarded the same on 26.02.2024, to the respondent No. 5 i.e. the Joint Committee for recommendation, but the same is still pending for consideration.”

3. Being aggrieved, the petitioner has approached this Court by filing the present petition with prayer for issuing direction to the respondent authorities to provincialise his service as the Headmaster of Kuruabahi Nagaya L.P. School.

4. While this matter was taken up on 20.11.2024 for deliberation, Mr. B. Talukdar, learned Standing Counsel for the Education (Elementary) Department submitted that the Joint Committee will be sitting shortly within a period of 15 days from that day i.e. 20.11.2024, and requested to list the matter after 15 days.

5. When the matter is taken up today, Mr. Mazumdar, learned Standing Counsel for the respondent Nos. 1, 3, 5, 7 and 8 submits that due to some reasons, the Joint Committee meeting could not be held and it will be held shortly and that this writ petition may be disposed of by granting at least 45 days time to the respondent authorities to provincialise the service of the petitioner, provided the land documents and other documents are in conformity with the requirement of the said Act of 2017.

6. Mr. Khan, learned counsel for the petitioner submits that he has no objection if the respondent authorities assure to settle the matter within a period of 45 days from today.

7. Taking note of the submissions of learned Advocates of both sides, and on

the assurance being given by Mr. Mazumdar, the learned Standing counsel for the respondent authorities, also considering the given facts and circumstances on the record, this Court is inclined to dispose of this writ petition by directing the respondent authorities to provincialise the service of the petitioner within a period of 45 days from today, if all the relevant documents, required for provincialisation of service of the petitioner is found to be in order.

8. The petitioner shall obtain certified copy of this order and place the same before the respondent authorities within a period of one week from today and on receipt of the same, the respondent authorities shall complete the exercise within a period of 45 days from the date of receipt of certified copy of this order.

9. In terms of above, this writ petition stands disposed of. The parties have to bear their own costs.

J U D G E

Comparing Assistant