

GAHC010151592024



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

Case No. : WP(C)/3850/2024

AFZAL HUSSAIN BARBHUIYA
S/O- SAMSUL HOQUE BARBHUIYA, VILLAGE- SAYEDBOND PART-I, P.O.
KALIBARI BAZAR, P.S. HAILAKANDI, DISTRICT- HAILAKANDI (ASSAM)

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REPRESENTED BY THE SECRETARY, GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI-6

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-1

Advocate for the Petitioner : MR. A M S MAZUMDER,

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

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

02.08.2024

Heard Mr. A.M.S. Mazumder, learned counsel for the petitioner. Also heard Mr. U. Sarma, learned standing counsel, Secondary Education Department, appearing for all the respondents.

2. In the year 2011, there was a reorganization in the Elementary Education Department of the Government of Assam, by which Classes-I to V were declared to be L.P. Schools and Classes-VI to VIII to be M.E. Schools. It is the case of the petitioner that if such reorganization had not taken place, the petitioner's service could have been provincialized under the Assam Venture Educational Institutions (Provincialization of Services) Act, 2011.

3. The learned counsel for the petitioner also submits that this Court in a similar matter i.e. WP(C) No.736/2022 by order dated 09.02.2022 directed the petitioners therein to file representations and the then Principal Secretary to the Government of Assam to consider the representations and to pass a reasoned order. The petitioner herein claims parity with the petitioners of WP(C) No.736/2022.

4. Mr. U. Sarma, learned standing counsel for the Secondary Education Department also submits that the petitioner may be directed to file a fresh representation before the respondent No.1 i.e. Secretary to the Government of Assam, Department of School Education and thereafter, the respondent No.1 may be directed to dispose of the said representation within a specific period of time.

5. Accordingly, this writ petition is disposed of directing the petitioner to file a fresh representation before the respondent No.1 by annexing a copy of the writ petition along with annexures appended thereto as well as a certified true copy of today's order, within a period of 15(fifteen) days from today and thereafter, the respondent No.1 shall consider the said representation made by the petitioner and dispose of the same by a speaking order and in accordance with law after verification of all relevant documents within a period of 2(two) months from the date of receipt of the said representation.

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

Sd/- Lanusungkum Jamir
JUDGE

Comparing Assistant