

GAHC010169312023



2024:GAU-AS:12718

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

Case No. : WP(C)/4458/2023

RIPUNJIT DUTTA
SON OF SRI KAMAL DUTTA, SONARI THUKUBIL SATRA, P.O. SONARI,
DISTRICT- CHARAIDEO, ASSAM, PIN- 785690

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, GUWAHATI- 781006

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
EDUCATION (HIGHER) DEPARTMENT
DISPUR
GUWAHATI- 781006

3:THE COMMISSIONER AND SECRETARY
EDUCATION (HIGHER) DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI- 781006

4:THE COMMISSIONER AND SECRETARY
FINANCE DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI- 781006

5:THE DIRECTOR OF HIGHER EDUCATION
KAHILIPARA
GUWAHATI-19
ASSAM

6:INSPECTOR OF COLLEGE
DIBRUGARH
PIN NO. 785676
ASSAM

7:SONARI COMMERCE COLLEGE
CHARAIDEO
ASSAM
REPRESENTED BY ITS PRINCIPAL DISTRICT- CHARAIDEO
ASSAM
PIN- 78569

Advocate for the Petitioner : MR. R C SAIKIA, MS. N DEY,MS. K SAIKIA

Advocate for the Respondent : GA, ASSAM, SC, HIGHER EDU,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 16.12.2024

- 1.** Heard Mr. R.C. Saikia, learned senior counsel, assisted by Ms. K. Saikia, learned counsel for the petitioner. Also heard Mr. B. Deori, learned Government Advocate, for the respondent No. 1; Mr. S. Das, learned standing counsel, Higher Education Department, for the respondent No. 2, 3 & 5 and Mr. B. Gogoi, learned standing counsel, Finance Department, for the respondent No. 4.
- 2.** The petitioner initially joined as an LDA in the Sonari Commerce College, Charaideo district after undergoing the selection process on 01.04.2011. Since the date of his joining, the petitioner has been continuously serving as LDA in the said college. As the service of the petitioner was not provincialised, a pleader's Notice dated 13.05.2020 was served on the Director of Higher Education, Government of Assam. However, till date, the said pleader's notice has not been replied with. Accordingly, the petitioner has filed the present writ

petition praying for a direction to the respondents to provincialise the service of the petitioner as LDA in Sonari Commerce College, Charaideo district.

3. A consideration of the materials on record would reveal that the pleader's Notice was sent as early as on 13.05.2020. Accordingly, the petitioner is directed to file a fresh representation taking all relevant grounds for provincialisation of his service before the Director of Higher Education, Assam within a period of 2 (two) weeks from today. Thereafter, the Director of Higher Education, Assam, on receipt of the representation to be filed by the petitioner, shall consider and dispose of the same by a speaking order and in accordance with law within a period of 1 (one) month from the date of receipt of the representation of the petitioner.

4. With the aforesaid observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant