

GAHC010172042016



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

Case No. : WP(C)/4082/2016

SMT. TUTU ROY
D/O LT. RANJIT LAL ROY R/O N.S. AVENUE, HAILAKANDI ROAD, SILCHAR
SERVING AS ASSTT. TEACHER AT SISTER NIVEDITA VIDYAMANDIR GIRLS
HIGH SCHOOL, SILCHAR, DIST. CACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF EDUCATION, DISPUR, GUWAHATI-6.

2:THE SECRETARY TO THE GOVT. OF ASSAM

DEPARTMENT OF EDUCATION
DISPUR
GUWAHATI -6.

3:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19
KAMRUP M
ASSAM.

4:THE JOINT DIRECTOR OF SECONDARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI -19
KAMRUP M
ASSAM.

5:THE INSPECTOR OF SCHOOLS
CACHAR DISTRICT CIRCLE

SILCHAR
CACHAR
ASSAM.

6:THE HEADMISTRESS/ SECRETARY
SISTER NIVEDITA VIDYAMANDIR GIRLS HIGH SCHOOL
AND THE SCHOOL MANAGEMENT COMMITTEE
SILCHAR
NIVEDITA LANE
N.S. AVENUE
SILCHAR-5
DIST. CACHAR
ASSAM

Advocate for the Petitioner : MR.S R BORUAH

Advocate for the Respondent : SC, SECONDARY EDUCATION

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 08.01.2024

The petitioner by way of the present writ petition has raised the grievance with regard to the findings of the High Power Committee as contained in the communication dated 30.03.2016. The High Power Committee had not recommended the name of the petitioner for Provincialisation with the following findings:-

“The matter of Smti Tutu Roy of Sister Nivedita Vidyamandir Girls’ High School was placed before the committee. The committee finds that the petitioner joined on 12.11.1991 and as per the report of the concerned Head Master, the teachers attendance register for the year 1991 and 1992 are not available in the school. As such it is in doubt whether the petitioner was attending the school from the date of joining or not. Therefore the committee did not recommend the name of the petitioner as dropped Assistant Teacher of the school.”

2. From the above, it is seen that the petitioner’s case was not recommended by the High Power Committee only on the ground that the teachers attendance register for the year 1991 and 1992 was not available in the school and accordingly, a doubt had arisen as to whether the petitioner actually had served in the school during the said period of time.

3. In the records of the petition, there is a report dated 17.11.2015 prepared by the Headmistress of Sister Nivedita Vidyamandir Girls' High School wherein, the said authority on examination of the documents produced by the petitioner held the same to be genuine. The said report also upholds the experience certificate issued to the petitioner by the school authorities wherein the school authority had certified that the petitioner was working in the school w.e.f. 12.11.1991. The High Power Committee had only refused recommending the case of the petitioner basing on the fact that the attendance register 1991-92 was not available in the school. However, while doing so, the High Power Committee failed to consider the other materials which has been held to be genuine by the headmistress of the school in question, in her report dated 17.11.2015.

4. In view of the above, the decision of the High Power Committee as contained in the communication dated 30.03.2016 is interfered with and the matter stands remanded to the High Power Committee. The High Power Committee now shall examine the case of the petitioner by taking into account the report dated 17.11.2015 of the headmistress of the school in question along with the document that have been held to be genuine in the said report. The High Power Committee would also hear the school authorities as well as the petitioner for the purpose of arriving at a conclusion as to whether the petitioner was serving in the school from 12.11.1991 continuously.

5. The entire exercise shall be completed by the High Power Committee within a period of two months from the date of receipt of the certified copy of the order.

6. The petitioner shall submit the certified copy of this order to the Member Secretary, High Power Committee for taking the matter forward along with the representation and also enclose therein the report dated 17.11.2015 of the headmistress of the school and the document that are indicated therein for ready reference of the said committee.

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

JUDGE

Comparing Assistant