

GAHC010220852024



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

Case No. : WP(C)/5551/2024

ANU PROBHA PATOWARY
D/O- LATE TARUN CH. PATOWARY,
VILLAGE- NIZDAMAKA,
P.O.- SORBHOG,
P.S.- SORBHOG,
DIST.- BARPETA, ASSAM,
PIN- 781317.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
EDUCATION (ELEMENTARY) DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE STATE LEVEL SCRUTINY COMMITTEE
REPRESENTED BY THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

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

4:THE DISTRICT SCRUTINY COMMITTEE FOR ELEMENTARY EDUCATION
REPRESENTED BY ITS CHAIRMAN CUM DEPUTY COMMISSIONER OF
BARPETA DISTRICT

ASSAM

PIN- 781301.

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
BARPETA
DIST.- BARPETA
ASSAM
PIN- 781301.

6:THE BLOCK ELEMENTARY EDUCATION OFFICER
RUPSHI
DIST.- BARPETA
ASSAM
PIN- 781316.

7:GOJEN DAS
TUTOR OF SONTALI M.E. SCHOOL
VILL- NIZ DOMOKA
P.O. AND P.S.- SORBHOG
DIST- BARPETA
ASSAM
PIN- 781317.

8:BANIKANTA DAS
TUTOR OF SONTALI M.E. SCHOOL
VILL- NIZ DOMOKA
P.O. AND P.S.- SORBHOG
DIST- BARPETA
ASSAM
PIN- 781317

Advocate for the Petitioner : MR. M ALI, MD. ANARUL ISLAM,MR J. E. SARKAR

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

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 04.11.2024

Heard Mr. M. Ali, learned counsel for the petitioner. Also heard Mr. P. K. Bora, learned Standing counsel, Elementary Education Department for the respondent Nos. 1, 2, 3, 5 & 6 and Mr. B. Deuri, learned Government Advocate,

Assam for the respondent No. 4.

2. The petitioner was initially appointed as Assistant Teacher (Social Science) pursuant to a resolution of the School Managing Committee of the Sontali M. E. School. Thereafter, the authorities took steps for provincialisation of the Teaching and Non-teaching staffs of the said Sontali M. E. School in terms of the Assam Education (Provincialisation of Services of Teachers and Re-organisation of Educational Institutions) Act of 2017 (the Act of 2017 in short). The name of the petitioner, however, was not recommended by the District Scrutiny Committee. However, the services of the respondent Nos. 7 & 8 were provincialised by an order dated 05.02.2021.

3. It is the case of the petitioner that the respondent No. 7 is an English teacher and the respondent No. 8 is an Assamese teacher and therefore, in terms of Section 3(1)(xi) of the Act, 2017 only 1 (one) subject teacher can be provincialised. However, 2 (two) language teachers were provincialised and the petitioner was illegally dropped by the District Scrutiny Committee.

4. The petitioner therefore preferred an appeal under Section 14 of the Act of 2017 before the State Level Scrutiny Committee on 14.09.2023.

5. The grievance of the petitioner is that till date the appeal filed by the petitioner is still pending disposal before the State Level Scrutiny Committee.

6. This Court, after hearing the parties and taking into consideration that the appeal filed by the petitioner before the State Level Scrutiny Committee is still pending, this writ petition is disposed of directing the State Level Scrutiny Committee to consider the appeal filed by the petitioner on 14.09.2023 and disposed of the same by a speaking order and in accordance with law. While disposing of the appeal filed by the petitioner, the State Level Scrutiny

Committee shall hear the petitioner as well as the respondent Nos. 7 & 8 in person.

7. Let such exercise be done and completed within a period of 2 (two) months from the date of receipt of a copy of this order.

8. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant