GAHC010231942024

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

Case No. : WP(C)/5712/2024

KHALIL UDDIN SK
S/O SAKIOD ALI SK
R/O SUKHATIKHATA
P.O. RUPSHI
DIST. DHUBRI, ASSAM
PIN-783331
(WORKING AS GRADE-IV EMPLOYEE IN DAOBHANGI HIGH SCHOOL).

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, EDUCATION (SECONDARY) DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI-19.

3:THE INSPECTOR OF SCHOOLS

DHUBRI DISTRICT CIRCLE

DHUBRI
ASSAM

4:THE HEAD MASTER

DAOBHANGI HIGH SCHOOL

P.O. RUPSHI
DIST. DHUBRI
ASSAM
PIN-78333

Advocate for the Petitioner : MRS. K DEVI, MS S A KHALIFA

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

BEFORE

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

O R D E R

08.11.2024

Heard Ms. K. Devi, learned counsel for the petitioner. Also heard Mr. U. Sharma, learned Standing Counsel, Secondary Education Department, Assam for the respondent Nos. 1, 2 and 3.

2. The petitioner was initially appointed as a Grade-IV employee (Office Peon) in the Daobhangi High School, Dhubri by a communication dated 10.02.1995, issued by the Secretary of the school on the basis of a resolution passed by the Managing Committee of the said school. Accordingly, the petitioner joined on 10.02.1995 in the said school. The Inspector of Schools, DDC, Dhubri by an order dated 12.12.2007, provisionally approved the appointment of the petitioner along with 10(ten) others with effect from the date of their joining. In the meantime, by an order dated 30.08.2013, issued by the Director of Secondary Education, Assam, the Daobhangi High School was provincialised. However, the case of the petitioner was left out from provincialisation.

3. The Director of Secondary Education, Assam, by a communication dated 28.05.2019, addressed to the Inspector of Schools of all the

districts, including the district of Dhubri, requested to take necessary action towards submission of particulars/applications/minutes of the meeting of the District Scrutiny Committee of working non-teaching staffs of all categories of Venture Educational Institutions (Secondary) as per the provisions of Assam Education (Provincialisation of Services of Non-Teaching Staff of Venture Educational Institutions) Act, 2018 (in short Act of 2018). The Inspectors of Schools were also requested to submit the particulars, minutes of the meeting of the District Scrutiny Committee of the dropped non-teaching staffs of the educational institutions of Secondary Education, who were provincialised during the year 2013-2014.

4. It is the case of the petitioner that despite the communication dated 28.05.2019, issued by the Director of Secondary Education, Assam, his case has not been placed before the concerned District Scrutiny Committee till date and therefore, prays for a direction for placing his case before the concerned District Scrutiny Committee for consideration.

5. Mr. U. Sharma, learned Standing Counsel, Secondary Education Department, Assam submits that as the Director of Secondary Education, Assam has already sent a communication on 28.05.2019 for placing the cases of the dropped non-teaching staffs of the educational institutions of Secondary Education for placing the same before the concerned District Scrutiny Committee, this writ petition may be disposed of by directing the concerned authorities to place the case of the petitioner before the concerned District Scrutiny Committee.

6. After hearing the learned counsel for the parties and taking into consideration the materials available on record, this writ petition is disposed of directing the Inspector of Schools, Dhubri to place the case of

the petitioner before the District Scrutiny Committee, Dhubri after verifying all documents for consideration by the concerned District Scrutiny Committee.

7. Let such steps be taken and completed within a period of two months from the date of receipt of a copy of this order.

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

JUDGE

Comparing Assistant