

GAHC010244872024



2024:GAU-AS:11718

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

Case No. : WP(C)/6174/2024

SAHJAHAN ALI SK
S/O- LATE KHALILUR RAHMAN, VILLAGE- BARUNDANGA, P.O-
BARUNDANGA, P.S- TAMARHAT, DIST- DHUBRI, ASSAM, PIN-783334

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION (ELEMENTARY), DISPUR,
GUWAHATI-781006

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
CUM CHAIRMAN OF STATE LEVEL SCRUTINY COMMITTEE
KAHILIPARA
GUWAHATI-781019

3:THE DEPUTY COMMISSIONER
CUM CHAIRMAN OF DISTRICT LEVEL SCRUTINY COMMITTEE
DHUBRI
P.O
P.S AND DIST- DHUBRI
ASSAM, PIN-783301

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DHUBRI
P.O
P.S AND DIST- DHUBRI
ASSAM, PIN-783301

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
GOLAKGANJ
P.O- GOLAKGANJ

DIST- DHUBRI
ASSAM, PIN-783334

6:RABINDRA NATH MONDAL
TUTOR
BIRAT NAGAR CHARIALI M.E SCHOOL
S/O- KSHRITISH ROY
VILLAGE-BISONDAI PART I
P.O- BISONDAI
DIST- DHUBRI
ASSAM, PIN-783334

7:DIPANKAR NATH
TUTOR
BIRAT NAGAR CHARIALI M.E SCHOOL
S/O- DINESH DEBNATH
P.O- BISONDAI
DIST- DHUBRI
ASSAM, PIN-78333

Advocate for the Petitioner : MR. M R KHANDAKAR, MR. A ROHMAN
Advocate for the Respondent : SC, ELEM. EDU, GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 27.11.2024

1. Heard Mr. M.R. Khandakar, learned counsel for the petitioner as well as Ms. N. Phukan, learned standing counsel, Elementary Education Department, for the respondent Nos. 1, 2, 4 & 5 and Mr. B. Deori, learned Government Advocate, for the respondent No. 3.

2. The petitioner was initially appointed as Science Teacher by the School Management Committee, Birat Nagar Chariali ME School under the Block Elementary Education Officer, Golakganj, to which post he joined on 27.05.2008.

3. In the meantime, the State Government enacted the Assam Education (Provincialisation of Services of Teachers and Re-organization of

Educational Institutions) Act, 2017 (the Act of 2017 in short). As the petitioner fulfilled all the eligibility criteria for provincialisation of his service in terms of the Act of 2017, the District Scrutiny Committee, Dhubri, after verification, recommended the case of the petitioner for provincialisation as Tutor (Maths and Science). The case of the respondent No. 6 was also recommended for provincialisation as Tutor (Language) and the respondent No. 7 was also recommended for provincialisation as Tutor (Language) by the said committee. However, the State Level Scrutiny Committee did not consider the case of the petitioner as recommended by the District Scrutiny Committee, Dhubri and instead provincialised the service of the respondent No. 7 as a Tutor (Science). Accordingly, the Director of Elementary Education, Assam issued an order on 05.02.2021 provincialising the service of the respondent No. 7 as a Tutor (Science).

4. It is the case of the petitioner that as he was recommended by the District Scrutiny Committee for being provincialised as a Tutor (Maths and Science) and the respondent Nos. 6 & 7 were recommended for provincialisation as Tutors (Language). The State Level Scrutiny Committee should have recommended the case of the petitioner as Tutor (Maths and Science).

5. Being aggrieved, the petitioner approached this Court by filing WP(C) No. 4989/2022 which was disposed of by an Order dated 3rd of August, 2022 directing the petitioner to file an appeal under Section 14 of the Act of 2017 before the Secretary to the Government of Assam, Elementary Education Department within a period of 15 days from the date of passing of the order. It was further provided that the Secretary to the Government of Assam, Elementary Education Department, on receipt of the appeal, shall hear the petitioner as well as the respondent No. 7 therein, in person and pass

appropriate orders in accordance with law within a period of 2 (two) months.

6. It is submitted that the petitioner accordingly filed his appeal before the Secretary to the Government of Assam, Elementary Education Department on 10.08.2022, however, the said appeal filed by the petitioner is yet to be considered and disposed of and accordingly, the petitioner has preferred the present writ petition for a direction to the Secretary to the Government of Assam, Elementary Education Department/Respondent No. 1 to dispose of the same within a specified period of time.

7. Ms. N. Phukan, learned standing counsel, Elementary Education Department, has no objections if the direction is given to the Respondent No. 1 for disposing of the appeal filed by the petitioner within a specified period of time.

8. Accordingly, this writ petition is disposed of directing the Respondent No. 1 to consider the appeal filed by the petitioner on 10.08.2022 and dispose of the same by a speaking order and in accordance with law after hearing the petitioner as well as the respondent Nos. 6 & 7 in person within a period of 1 (one) month from the date of receipt of the certified true copy of this order.

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

JUDGE

Comparing Assistant