

GAHC010259402023



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

Case No. : WP(C)/7311/2023

RAJPUR HIGH SCHOOL
REPRESENTED BY ITS HEADMASTER,
SRI GOPAL CHANDRA DAS,
AGED ABOUT 51 YEARS,
S/O- LATE MATILAL DAS,
VILLAGE- RAJPUR, P.O.- HARINTILLA,
P.S.- SILCHAR, PIN CODE- 788011,
DISTRICT- CACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY,
TO THE GOVERNMENT OF ASSAM,
EDUCATION (SECONDARY) DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019.

3:THE SECRETARY
BOARD OF SECONDARY EDUCATION
ASSAM
GUWAHATI- 781021.

4:THE DEPUTY COMMISSIONER CACHAR
SILCHAR (NOW RE-DESIGNATED AS DISTRICT COMMISSIONER) CUM
CHAIRMAN OF DISTRICT SCRUTINY COMMITTEE
(DEVELOPMENT BRANCH
EDUCATION SECTION).

5:THE INSPECTOR OF SCHOOLS
CDC CUM MEMBER SECRETARY
DISTRICT SCRUTINY COMMITTEE
CACHAR
SILCHAR
DISTRICT- CACHAR
ASSAM

Advocate for the Petitioner : MR. P SARMA

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 05.01.2024

Heard Mr. P. Sarma, learned counsel for the petitioner. Also heard Mr. U. Sarma, learned standing counsel, Secondary Education Department, appearing on behalf of respondents No. 1, 2 & 5; Mr. D. K. Roy, learned standing counsel, SEBA, appearing on behalf of respondent No. 3; Ms. D. Das Barman, learned Addl. Sr. Government Advocate, appearing on behalf of respondent No. 4.

The writ petitioner is the Headmaster of Rajpur High School, Sicha, and the grievance raised by him in this writ petition is against non-consideration of the eligible employees of the said school for provincialization of their services under the provisions of the Assam Education (Provincialization of Services of Teachers and Re-organization of Educational Institutions) Act, 2017.

Raising a similar grievance, the petitioner, herein, had approached this Court by way of instituting a writ petition being WP(c)381/2022, and this Court, vide order, dated 24.11.2022, had disposed of the said writ petition by requiring the

District Scrutiny Committee for Secondary Education, Cachar, Silchar, to consider the case of the employees of the said school for such provincialization under the provisions of the Assam Education (Provincialization of Services of Teachers and Re-organization of Educational Institutions) Act, 2017. In pursuance of the said process, the case of the petitioner came to be placed before the District Level Scrutiny Committee(DLSC) and the recommendations of the District Level Scrutiny Committee(DLSC) were forwarded to the Inspector of Schools, Cachar, Silchar, to the Director, Secondary Education Department, vide communication, dated 20.05.2023.

Today, Mr. Sarma, learned standing counsel, Secondary Education Department, in terms of this Court's earlier order, has placed on record the instruction to the effect that the recommendations made by the District Level Scrutiny Committee(DLSC), Cachar, Silchar, in favour of the teachers of Rajpur High School, Cachar, Silchar, has been received by the Director, Secondary Education Department, Government of Assam, and the matter is being processed and would be placed in the next meeting of the State Level Scrutiny Committee(SLSC).

In view of the said development; this writ petition stands disposed of directing the Director, Secondary Education Department, Government of Assam, to expeditiously place the case of the petitioner in the next meeting of the State Level Scrutiny Committee(SLSC) and thereafter, basing on such recommendations, necessary orders for provincializing the service of the teachers of the school in question, be issued at the earliest.

The entire exercise for the purpose of taking the recommendations in favour of the petitioner made by the District Level Scrutiny Committee(DLSC), Cachar, Silchar, to its logical conclusion be initiated and completed within a period of 3(three) months from the date of receipt of a certified copy of this order.

The petitioner is to submit a certified copy of this order to the Director, Secondary Education Department, Government of Assam, for taking appropriate action.

With the above directions; the writ petition stands disposed of at the motion stage itself.

The copy of the order, dated 04.01.2024, as produced by Mr. Sarma, learned standing counsel, Secondary Education Department, shall be kept as a part of the record and marked as 'X' for identification.

JUDGE

Comparing Assistant