GAHC010099932020

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

Case No. : WP(C)/2963/2020

HANIF AHMED BARBHUIYA
S/O- MONIR UDDIN BARBHUIYA, R/O- VILL- BILPAR DHUMKAR, P.O. RANGAUTI, DIST.- HAILAKANDI, ASSAM, PIN- 788155

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY ITS COMM. AND SECY., ELEMENTARY EDUCATION DEPTT., GOVT. OF ASSAM, DISPUR, GHY-6

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY-19

3:STATE LEVEL SCRUTINY COMMITTEE
REP. BY ITS CHAIRMAN CUM DIRECTOR ELEMENTARY EDUCATION
KAHILIPARA
GHY-19

4:DISTRICT SCRUTINY COMMITTEE FOR ELEMENTARY EDUCATION
HAILAKANDI REP. BY ITS CHAIRMAN CUM DY. COMMISSIONER
HAILAKANDI
ASSAM

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
HAILAKANDI
DIST.- HAILAKANDI
ASSAM

6:BLOCK ELEMENTARY EDUCATION
OFFICER KATLICHERRA

7:AROJ ALI LASKAR
HEAD MASTER OF GAUTAM ROY M.E. SCHOOL
DHOLAI
PT. V- KATLICHERRA
DIST.- HAILAKANDI
ASSA

Advocate for the Petitioner : MR E AHMED

Advocate for the Respondent : SC, ELEM. EDU

WP(C)/2964/2020

AMJAD HUSSAIN BARBHUIYA
S/O- LT. ABDUL JALIL BARBHUYA
R/O- VILL- BOWARGHAT PT-I
P.O. BOWARGHAT
P.S. HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN- 788164

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY ITS COMM. AND SECY.
ELEMENTARY EDUCATION DEPTT.
GOVT. OF ASSAM
DISPUR
GHY-6

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
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REP. BY ITS CHAIRMAN CUM DY. COMMISSIONER

HAILAKANDI
ASSAM

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
HAILAKANDI
DIST.- HAILAKANDI
ASSAM

6:BLOCK ELEMENTARY EDUCATION
OFFICER KATLICHERRA

7:MINARA BEGUM LASKAR
HEAD MASTER
NISCHINTAPUR M.H. CHOUDHURY M.E. SCHOOL
VILL- NISCHINTAPUR
P.O. MONACHERRA
DIST.- HAILAKANDI
ASSAM

Advocate for : MR E AHMED
Advocate for : SC
ELEM. EDU appearing for THE STATE OF ASSAM AND 6 ORS.: Advocate ,

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 04-12-2020

Heard Mr. E. Ahmed, learned counsel for the petitioner. Also heard Mr. B. Kaushik, learned counsel for the Elementary Education Department and Mr. A. Deka, learned counsel for the Headmistress of the concerned school.

2. The petitioners in the two writ petitions are all teachers appointed on various dates in their respective schools. The common grievance raised is that at the time when the teachers of the respective schools were considered for provincialisation under the Assam Education (Provincialisation of Services of Teachers and Re-Organization of Educational Institutions) Act, 2017 (in short Act of 2017) the concerned District Scrutiny Committee had not forwarded their names for the purpose of provincialisaltion.

3. Section 14 of the Act of 2017 provides for an appeal to be filed before the State Level Scrutiny

Committee in the event any of the teachers are aggrieved to the extent that the District Level Scrutiny Committee had not recommended their names. The petitioners state that they had filed a representation before the Director of Elementary Education, Assam but nothing has been done. In the circumstance, we require the petitioners to file individual appeals in the appropriate manner before the State Level Scrutiny Committee against their grievance of not being recommended by the District Level Scrutiny Committee, along with any documents, testimonials that they may rely upon in furtherence of their claim.

4. It is stated that the appeal before the State Level Scrutiny Committee is to be made before the Commissioner and Secretary to the Govt. of Assam in the Education Department.

5. Upon such appeal being submitted the Commissioner and Secretary shall place the same before the State Level Scrutiny Committee and the State Level Scrutiny Committee shall examine the claim of the petitioners and pass a reasoned order thereon.

6. Both the writ petitions are disposed of in the above terms.

JUDGE

Comparing Assistant