GAHC010119562020

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

Case No. : WP(C) 3505/2020

1:DOULAT ALI
S/O- LT. NIL MAHMUD SHEIKH, HEAD MASTER JUGIPARA M.E. SCHOOL,
VILL- JUGIPARA, P.O. BALABARI, P.S. DHULA, DIST.- DARRANG, ASSAM,
PIN- 784190

VERSUS

1:THE STATE OF ASSAM AND 3 ORS.
TO BE REP. BY COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION
DEPTT. (ELEMENTARY), DISPUR, GHY-06

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

3:THE ADC CUM CHAIRMAN OF DLC
DARRANG
MANGALDOI
PIN- 784125

4:THE DISTRICT LEVEL SELECTION COMMITTEE (DLSC)
DARRANG
MANGALDOI
PIN- 784125
REP. BY DEEO
DARRANG
MANGALDOI
CUM MEMBER SECY. DLSC
DARRANG
MANGALDOI
PIN- 78412

Advocate for the Petitioner : MD. M H CHOUDHURY

Advocate for the Respondent : SC, ELEM. EDU

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

12-10-2020

Heard Md. M. H. Choudhury, learned counsel for the petitioner and Ms. N. Phukan, learned Standing counsel, Elementary Education Department of the State for the respondent Nos. 1 and 2.

Petitioner is claiming to be the founder Head Master of Jugipara M.E. School under Pub-Mangaldoi Education Block of Darrang District. Said Jugipara M.E. School is still in the venture stage.

It is submitted by the petitioner that provincialisation of services of the teaching and non-teaching staff of the said M.E. School are under process under the provisions of the Assam Education (Provincialisation of Services of Teachers and Re-organisation of Educational Institutions) Act, 2017.

Mr. Choudhury, learned counsel for the petitioner also submits that in the DISE Code (District Information System for Education) as well as the UDISE Code (Unified District Information System for Education) and the relevant documents enclosed with these Codes, petitioner has been shown as Head Master in-charge of said school. Hence, this writ petition by the petitioner, praying to show him as the Head Master of Jugipara M.E. School instead of the Head Master in-charge of the said school.

After the Full Bench decision of the Court in the case of *Abdul Gafur Mandal Vs. State of Assam and others*, reported in *2015 (2) GLT 337* , the State Government in the Education Department by notification dated 03.12.2015 under No. ELC/WP(C) 2272/ 2013/403/194 as well as the notification dated 02.06.2016 under No. ELC/WP(C)2272/2013/403/196 constituted Educational Tribunal in all the districts of Assam designating the District Judge /Additional District Judge of each district to function such Educational Tribunal and to adjudicate the dispute of teaching and non-teaching staff of non Government Educational Institutions as well as the dispute relating to the disciplinary action against the claim for provincialisation of service within their respective territorial jurisdiction from the date of issuance of those two notifications.

As the petitioner's school is a Venture Educational Institution as on date, no such prayer of the

petitioner can be considered as made in this writ petition in exercising the power under Article 226 of the Constitution of India.

Accordingly, this writ petition being not maintainable stands dismissed.

However, it is made clear that the petitioner may approach the appropriate Education Tribunal, if so advised for redressal of his grievances.

JUDGE

Comparing Assistant