GAHC010150862020

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

Case No. : WP(C)/4597/2020

BKC ME MADRASSA AND ANR
REPRESENTED BY ITS HEADMASTER NAMELY AKBAR ALI AHMED

2: AKBAR ALI AHMED
S/O ABDUR RASHID
R/O VILLAGE GOLAPARA
PS ABHAYAPURI
DIST. BONGAIGAON
ASSAM
PIN-78338

VERSUS

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

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

3:THE DEPUTY DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY-19

4:THE DISTRICT LEVEL SCRUTINY COMMITTEE
REPRESENTED BY THE DEPUTY COMMISSIONER
BONGAIGAON
ASSAM

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER

BONGAIGAON
ASSAM

6:THE DEPUTY INSPECTOR OF SCHOOLS

NORTH SALMARA
ABHAYAPURI
DIST. BONGAIGAON
ASSAM

7:THE BLOCK ELEMENTARY EDUCATION OFFICER
SRIJANGRAM
BONGAIGAON
ASSA

Advocate for the Petitioner : MR A A DEWAN

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 14-12-2020

Heard Mr. AA Dewan, learned counsel for the petitioner. Also heard Mr. B Kaushik, learned counsel for the Elementary Education Department and Mr. B Deuri, learned counsel for the District Level Scrutiny Committee represented by the Deputy Commissioner.

2. The petitioner, namely, Balarchar Kalikura Chailabari ME Madrassa, has approached this Court for a direction that the case for provincialisation of the teaching and non-teaching staff of the Madrassa, in question, be done as provided in Assam Education (Provincialisation of Services of Teachers and Re-organisation of Educational Institutions) Act, 2017 (for short, the Act of 2017). It is stated that the District Level Scrutiny Committee (for short, DLSC) of Bongaigaon district had recommended for provincialisation of the teaching and non-teaching staff of the Madrassa, in question, but the matter is presently pending before the State Level Scrutiny Committee.

3. Mr. B Kaushik, learned counsel for the Elementary Education Department states that the provincialisation process under the Act of 2017 is being undertaken all over the State and at present the recommendations of the entire DLSCs are still being awaited. Once these recommendations are made available, the State Level Scrutiny Committee would take up all the matters in one go along with the petitioner's Madrassa.

4. In view of such statement, the writ petition stands closed by directing that the recommendation for provincialisation of the teaching and non-teaching staff of the petitioner Madrassa be brought to its logical end as per law in the same process when the State Level Scrutiny Committee would take up the matter along with all other similarly situated schools.

5. In the event, the petitioner Madrassa is not given its consideration by the State Level Scrutiny Committee when it would take up the matters along with all other similarly situated schools, the petitioner, Madrassa would be at liberty to approach the Court again.

6. Writ petition stands closed in the above terms.

JUDGE

Comparing Assistant