GAHC010162922020

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

Case No. : WP(C)/4946/2020

RUSHIA BEGUM
W/O- HAJI BODRUL HOQUE, R/O- VILL- TELIABEBEJIA PATHER, P.O. FAKALI PATHAR, P.S. JURIA, DIST.- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION (ELEMENTARY) DEPTT., DISPUR, GHY-06

2:DIRECTOR OF ELEMENTARY EDUCATION

3:THE DISTRICT SCRUTINY COMMITTEE

4:DISTRICT ELEMENTARY EDUCATION OFFICER

5:BLOCK ELEMENTARY EDUCATION OFFICE

Advocate for the Petitioner : MR. D P BORAH

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

JUDGMENT

Date : 25-11-2020

Heard Mr. D.P. Borah, learned counsel for the petitioner. Also heard Mr. B. Kaushik, learned Standing counsel for the Elementary Education Department of the Government of Assam.

2. The petitioner presently is serving as an Assistant Teacher in Nagabandha Chariali Balika Muktab L.P. School in Nagaon district and she had been appointed to the post by an order dated 15.12.2004. The petitioner claims for a provincialisation of her service under the relevant laws that are/were in force from time to time. Initially, the case of the petitioner was processed under the Assam Venture Educational Institutions (Provincialisation of Services) Act, 2011 (in short Act of 2011), but as the Act of 2011 was struck out by this Court in its judgment dated *23.09.2016 in WP(C) No. 3910/2012*, the process remains incomplete. Subsequently, the Assam Education (Provincialisation of Services of Teachers and Re-Organisation of Educational Institutions) Act, 2017 (in short Act of 2017) was enacted to replace the earlier Act of 2011. The process for provincialisation of the service of the petitioner was again initiated under the Act of 2017 which resulted in the application at page 18 being forwarded/recommended by the Head Master of Nagabandha Chariali Balika Muktab L.P. School dated 05.06.2017 as well as the particulars of the teachers which is available at page 20.

3. Mr. B. Kaushik, learned Standing Counsel for the Elementary Education Department contends that once the process has been initiated by the Head Master, the next step would be to place the recommendation of the Head Master before the District Level Scrutiny Committee of Nagaon district.

4. It being so as the process initiated for provincialisation of the service of the petitioner

has not been carried further, we direct District Elementary Education Officer of Nagaon district to place the recommendation of the Head Master dated 05.06.2017 made in favour of the petitioner before the District Level Scrutiny Committee of Nagaon district.

5. The requirement of placing it before the committee be done within a period of one month from the date of the receipt of the certified copy of this order. The recommendation being placed before the said committee, the committee will further process with the matter and bring to its logical end by following the procedure as required under the Act of 2017.

6. Writ petition stands disposed of in the above terms.

JUDGE

Comparing Assistant