GAHC010163872020

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

Case No. : WP(C)/4979/2020

APIA BEGUM AND ANR
D/O ROISUDDIN
RESIDENT OF VILLAGE BASLA
PO MORJATKANDI PS BADARPUR, DIST KARIMGANJ ASSAM

2: MD. SABBIR AHMED
S/O MD. ABDUL FATTAH
RESIDENT OF VILLAGE KHADIMAN
PO BADARPURGHAT. PS BADARPUR
DIST KARIMGANJ
ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION DEPARTMENT, DISPUR GUWAHATI 6

2:THE DIRECTOR OF ELEMENTARY EDUCATION

ASSAM KAHILIPARA
GUWAHATI 19

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER

KARIMGANJ

4:THE DEPUTY INSPECTOR OF SCHOOLS

KARIMGANJ DISTRICT CIRCLE
KARIMGANJ
ASSA

Advocate for the Petitioner : MRS. K DEVI

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 27-11-2020

Heard Ms. K. Devi, learned counsel for the petitioner. Also heard Mr. P.K. Bora, learned counsel for the Elementary Education Department of the Govt. of Assam.

2. The petitioner No.1 was appointed as an Assistant Teacher by the managing committee of Umarpur L.P. School on 03.04.1992 whereas, the petitioner No.2 was appointed as an Assistant teacher in the Chinidipur L.P. School.

3. It is stated that both the petitioners were appointed in the respective post prior to the provincialisatlion of the services of the two school concerned. Although the service of the other teacher of the school were provincialised, but the claim of the two petitioners were not done so and accordingly they came within the concept of what is called ‘dropped teacher’.

4. The state respondent in course of time had taken up a decision to consider the claim for provincialisation of such dropped teachers who were left out of the earlier process of provincialisation.

5. It is stated that persons similarly placed instituted a writ proceeding before this Court being WP(C) 3976/2005 and other writ petitions, wherein by the judgment dated 01.03.2007 there was a requirement on the part of the respondent authorities to constitute a screening committee to arrive at a factual satisfaction as to whether any dropped teachers were left out from the process of provincialisation. The screening committee is stated to have been called the high power committee.

6. It is stated that the petitioner for the purpose of establishing her claim for provincialisation as dropped teacher had appeared before the high power committee on 24.12.2005.

7. The claim of the petitioners is that inspite of appearing before the high power committee, the petitioners are not made known the final outcome of such appearance.

8. The petitioner refers to another judgment of this Court dated 29.10.2019 in WP(C) 1183/2014 wherein, there was a direction to the respondents to place the claim of the petitioners therein before the high power committee so as to have a consideration of their respective claims for provincialisation as

drop teacher.

9. The petitioner by referring to the said judgment seeks a direction. As the petitioners had already appeared before the high power committee in the year 2005, but the decision thereof is not made known to the petitioner, it is provided that the petitioners shall submit individual fresh representation before the high power committee to be made before the Commissioner & Secretary to the Govt. of Assam in the Elementary Education Department containing all the relevant particulars to substantiate their claim that they were dropped teachers at the time of provincialisation and they were duly appointed and they are continuing in service all along.

10. The representation be submitted within a period of 2 weeks from today and the Commissioner & Secretary shall do the needful within a period of 4 months from the date of receipt of such representation.

Writ petition stands allowed in the above terms.

JUDGE

Comparing Assistant