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

Case No. : WP(C)/5469/2023

SUMAN NATH
S/O- SUBRA JYOTI NATH,
VILL- RONGPUR PART I,
P.O- APPIN,
P.S- LALA, DIST- HAILAKANDI, ASSAM, PIN-788161

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, DEPARTMENT OF SCHOOL EDUCATION , DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19
DISTRICT- KAMRUP(M)
ASSAM.

3:THE INSPECTOR OF SCHOOLS
DIST- HAILAKANDI
ASSAM
PIN-788151

4:THE DISTRICT SCRUTINY COMMITTEE
FOR PROVINCIALISATION OF SERVICES OF THE NON- TEACHING STAFF OF VENTURE EDUCATIONAL INSTITUTIONS
REP. BY ITS CHAIRMAN CUM DEPUTY COMMISSIONER
HAILAKANDI
ASSAM
PIN-788151

5:THE HEAD MASTER
PALLIMANGAL HIGH SCHOOL

VILL- RONGPUR PART I

P.O- APIN

DIST- HAILAKANDI
ASSAM
PIN- 78316

Advocate for the Petitioner : MR. S B LASKAR, MS N KALITA,MS D DUTTA,MR. H A LASKAR

Advocate for the Respondent : GA, ASSAM, SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

05.10.2026

Heard Mr. S.B. Laskar, learned counsel for the petitioner. Also heard Ms. P. Das, learned Standing Counsel, Secondary Education.

2] The grievance of the petitioner is that he was appointed as a LDA under the Pallimangal High School in the District of Hailakandi and while proposals were sent for provincialisation, his name was not provincialised and accordingly, the name of the petitioner was dropped.

3] The learned counsel for petitioner submits that the Inspector of School, Hailakandi has already forwarded an application on behalf of the writ petitioner seeking his provincialisation to the Director of Secondary Education. However, the Director's Office has not passed any order.

4] The Director of Secondary Education has filed an affidavit, wherein there is a clear averment that the petitioner had joined school on 25.06.2010.

5] The learned Standing Counsel, Secondary Education submits that in terms of the earlier Act of 2011, the provincialisation was in respect of employees who were already in employment on a date when the Act of 2011 was enforced, which is 01.01.2013. It is also submits that the petitioner does not fulfill the criteria for provincialisation. In that view of the matter, no application was called for by the Office of the Director of Secondary Education for provincialisation.

6] After addressing the Court for while, the learned counsel for the petitioner submits that there is provision for an appeal, which he would like to avail and therefore, seeks liberty of the Court to withdraw the writ petition.

7] Considering the prayer made and upon no objection being raised by the respondent, this writ petition stands dismissed on withdrawal giving liberty to the petitioner to take recourse to the statutory remedies as may be provided.

8] Interim order, if any stands vacated.

9] Pending Interlocutory Application, if any is also dismissed.

JUDGE

Comparing Assistant