

**(2021) 07 GAU CK 0018**

**In the Gauhati High Court**

**Case No : Writ Petition (Civil) No. 3202 Of 2021**

Arup Kr. Saha

APPELLANT

Vs

State Of Assam And 6 Ors

RESPONDENT

**Date of Decision : 05-07-2021**

**Acts Referred:**

Assam Education (provincialisation of Services Of Teachers And Re-Organization Of Educational Institution) Act, 2017 — Section 14

**Citation : (2021) 07 GAU CK 0018**

**Hon'ble Judges : Manish Choudhury, J**

**Bench : Single Bench**

**Advocate : P K Deka**

## **Judgement**

The Court proceedings have been conducted through remote video conferencing mode due to the prevailing situation in the State due to Covid-19 pandemic.

Heard Mr. P.K. Deka, learned counsel for the writ-petitioner and Mr. B. Kaushik, learned Standing Counsel, Elementary Education Department for

respondent nos. 1, 2 and 3. Also heard Mr. S. Bora, learned Standing Counsel, Sarba Siksha Abhiyan (SSA) Mission for respondent nos. 4 and 5.

The petitioner has asserted that he was serving as an Assistant Teacher (Social Science) in Gokarpar M.E. School at the venture stage along with

others. By referring to the provisions of Assam Education (provincialisation of Services of Teachers and Re-Organization of Educational Institution)

Act, 2017, Mr. Deka has submitted that in an Upper Primary School, it is essential to have an Assistant Teacher (Social Science) amongst the first

three teachers. By an order dated 04.02.2021 (Annexure-G), the respondent no. 2 had, inter-alia, provincialised the services of 6586 nos. of tutors

against 2170 nos. of Recognized Upper Primary Schools in the State of Assam. The respondent authorities have provincialised the services of 2

Assistant Teachers (Language) depriving the petitioner from the benefit of provincialisation. Aggrieved thereby, the petitioner has approached this

Court by this writ petition. On the other hand, Mr. Kaushik has submitted that the petitioner has an alternative efficacious remedy in the form of an

appeal to be preferred under Section 14 of the Act before the State Government.

Issue notice, returnable in 4 (four) weeks.

As Mr. Kaushik has appeared for respondent nos. 1, 2 and 3 and Mr. Bora has appeared for respondent nos. 4 and 5, no formal notices need to be

issued for those respondents. However, the learned counsel for the petitioner shall furnish requisite number of extra copies of the writ petition to Mr.

Kaushik and Mr. Bora within 5 (five) days from today.

The petitioner shall take steps for service of notice on respondent nos. 6 and 7 by registered post with A/D within 5 (five) days.

The issue of provincialisation of services of respondent nos. 6 and 7 will be subject to the outcome of the writ petition and the matter of existence of

alternative efficacious remedy is kept open.

As prayed for by Mr. Deka, list this case along with W.P.(C) No. 2143/2021 after 4 (four) weeks.