

(2024) 03 GAU CK 0059

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 1988 Of 2021

Dakhin Dhaniabheti Charapara LP School

APPELLANT

Vs

State Of Assam And 5 Ors

RESPONDENT

Date of Decision : 20-03-2024

Acts Referred:

Citation : (2024) 03 GAU CK 0059

Hon'ble Judges : N. Unni Krishnan Nair, J

Bench : Single Bench

Advocate : B Rahman

Final Decision : Disposed Of

Judgement

1. Heard Mr. B. Rahman, learned counsel for the petitioner. Also heard Ms. S. Chutia, learned Standing Counsel for the Elementary Education Department representing the respondents no. 1, 2, 3 & 4 and Mr. B. Deori, learned counsel for the respondents no. 5 & 6.

2. The grievance of the petitioner in the present proceeding is that the cases of the eligible serving teachers of the Dakhin Dhaniabheti Charapara LP School have not been considered for provincialisation of their services, although, the school in question was declared to be eligible for such provincialisation.

3. The petitioner contends that the cases of the petitioners were considered under the provisions of the Assam Venture Educational Institutions (Provincialisation of Services) Act, 2011, (For short Act of 2011) and the cases of the eligible serving teachers of the said school were recommended by the District Level Scrutiny Committee, however, the said process was not taken to its logical conclusion and in the meantime, the the Act of 2011 came to be set aside by this Court. It is the further contention of the petitioner that after the enactment of the Assam Education (Provincialisation of Services of Teachers and Re-Organization of Educational Institutions) Act, 2017 (For short Act of 2017), the cases of the petitioners were not considered under the provisions of the said Act

of 2017, although, the cases of serving teachers of school which were established much after the establishment of the petitioner's school were considered and provincialised. Accordingly, the petitioners pray that their cases for provincialisation of services be considered under the provisions of the said Act of 2017.

4. In the view of the nature of grievance raised by the petitioners herein, the eligible serving teachers of the petitioners school are required to approach the Director of Secondary Education, Assam, by way of filing a detailed representation along with the particulars of each of such teachers in the format prescribed and a certified copy of this order within a period of one month from today.

5. In the event, the Director of Secondary Education, Assam, is in receipt of the representations from the serving teachers of the petitioners school along with their respective particulars, the Director of Secondary Education, Assam shall have the cases of the petitioners scrutinized by the jurisdictional DLSC and thereafter, basing on the recommendations as may be made by the jurisdictional DLSC, further processing of the matter for placing the said recommendations before the SLSC shall be so done.

6. The recommendations as received from the SLSC shall be communicated to the petitioners by the Director of Secondary Education, Assam. The cases of the petitioners, who would be found eligible for provincialisation of their services by the SLSC, would be further processed and the orders towards provincialising their services shall be so issued.

7. The above directions shall be initiated and concluded by the Director of Secondary Education, Assam within a period of 4(four) months from the date of receipt of the representation along with a certified copy of this order from the petitioners.

8. With the above observations and directions, the writ petition stands disposed of.