
(2020) 11 GAU CK 0037
In the Gauhati High Court
Case No : Writ Petition (C) No. 4946 Of 2020

Rushia Begum

APPELLANT

Vs

State Of Assam And Ors

RESPONDENT

Date of Decision : 25-11-2020

Acts Referred:

Citation : (2020) 11 GAU CK 0037

Hon'ble Judges : Achintya Malla Bujor Barua, J

Bench : Single Bench

Advocate : D P Borah

Final Decision : Disposed Off

Judgement

1. 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.