

(2024) 03 GAU CK 0053

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 5959 Of 2019

Saidur Rahman And 47 Ors.

APPELLANT

Vs

State Of Assam And 3 Ors

RESPONDENT

Date of Decision : 20-03-2024

Acts Referred:

Citation : (2024) 03 GAU CK 0053

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

Bench : Single Bench

Advocate : P J Dutta

Final Decision : Disposed Of

Judgement

1. Heard Mr. R. P. Sharma, learned Senior Counsel assisted by Ms. R. Devi, learned counsel for the petitioners. Also heard Mr. U. Sharma, learned Standing Counsel appearing for the Secondary Education Department.

2. The petitioners, 48 in numbers, have joined together in the present proceeding raising a grievance with regard non- provincialisation of their services under the provisions of the Assam Venture Educational Institutions (Provincialisation of Services) Act, 2011, (For short Act of 2011). Although under the said Act of 2011, the services of the other eligible serving teachers of the school involved were so provincialised w.e.f. 01.01.2013.

3. On a query made by this Court, Mr. U. Sharma, learned Standing Counsel has submitted that the cases of the petitioners herein were not considered as they were deemed to be excess teachers at that relevant point of time.

4. This Court, although has noticed that the 48 number of teachers, have joined together and they belong to different schools and may have different issues with regard to their respective claims and or, deficiencies in such claims and accordingly, their joining together may not be permissible, however, in view of the nature of the order sought to be passed in the present proceeding, the said

issue is not examined.

5. The said Act of 2011 was set aside by this Court on a challenge made to the provisions thereof and thereafter, the Government had enacted the Assam Education (Provincialisation of Services of Teachers and Re-Organization of Educational Institutions) Act, 2017 (For short Act of 2017). The respective schools of the petitioners, having been found to be eligible for provincialisation and the eligible serving teachers therein, having also been so provincialised, the cases of the petitioners herein are also required to be given a due consideration under the provisions of the said Act of 2017.

6. In view of the above position, the petitioners herein are required to submit individual representations before the Director of Secondary Education, Assam, bringing on record their respective service particulars and claiming provincialisation of their services. Such representations be preferred within a period of 1(one) month from today. The said individual representations shall be filed by the petitioners along with a certified copy of this order before the Director of Secondary Education, Assam.

7. In the event, all the petitioners herein and or, any of them prefer such representations before the Director of Secondary Education, Assam, within a period of 1(one) month from the date of this order, the Director of Secondary Education, Assam, shall consider the said representations and in the event, it is found that the petitioners fulfill the requisite norms for having their services provincialised, shall have the cases of the petitioners verified/scrutinized by the jurisdictional District Level Scrutiny Committee.

Basing on the recommendations of the jurisdictional DLSC, the Director of Secondary Education, Assam, shall place the cases of the recommended petitioners before the State Level Scrutiny Committee. Thereafter, the Director of Secondary School Education, Assam shall take appropriate steps for provincialisation of the services of the petitioners whose cases come to be recommended by the SLSC.

8. The Director of Secondary Education, Assam, on conclusion of the above process shall issue a Speaking Order intimating to each of the petitioners, the decision that was arrived in their respective cases by the jurisdictional DLSC and or, by the SLSC.

9. The above exercise that is now required to be carried out by the Director of Secondary Education, Assam shall be so initiated and concluded within a period of 4(four) months from the date of receipt of the individual representations by the petitioners along with the certified copy of this order.

10. With the above observations and directions, the writ petition is disposed of.