
(2021) 07 GAU CK 0084

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 3260 Of 2021

Saleha Begum

APPELLANT

Vs

State Of Assam And 4 Ors

RESPONDENT

Date of Decision : 15-07-2021

Acts Referred:

Citation : (2021) 07 GAU CK 0084

Hon'ble Judges : Achintya Malla Bujor Barua, J

Bench : Single Bench

Advocate : M K Choudhury

Final Decision : Disposed Of

Judgement

1. Heard Mr. P. Bhardwaj, learned counsel for the petitioner. Also heard Mr. R. Mazumder, learned counsel for the respondents No. 1, 2, 3 and 4

being the authorities under the Secondary Education Department and Mr. G. Pegu, learned counsel for the respondent No. 5 be represented by the Deputy Commissioner, Morigaon.

2. The petitioner Saleha Begum is the principal of HAM Junior Girls College having the qualification of M.A in Philosophy. The teaching and

non-teaching staffs of HAM Junior Girls College were subjected to a consideration for provincialisation under the Assam Education

(Provincialisation of Services of Teachers and Re-. Organisation of Educational Institutions) Act, 2017 (in short Act of 2017). The status of

scrutiny of particulars of the teaching staff in the remarks column indicates that the MA degree of the petitioner from CMJ university is yet to be

clarified. In the resultant situation, none of the teaching staffs of the junior college were provincialised.

3. In the circumstance, the petitioner on behalf of the entire teaching staff had instituted WP(C) 1118/2021. In the meantime, as the entire process of provincialisation was held up the other teaching staff of the junior college instituted another writ petition WP(C) 2522/2021 in which the order dated 08.04.2021 was passed requiring the authorities to process the provincialisation of the teaching staffs other than the petitioner.

4. In the resultant situation, the grievance of the petitioner is that the respondent authorities are neither taking forward the process of obtaining the clarification of the qualification regarding the MA degree of the petitioner nor the process for provincialising her services had been carried forward.

With such grievance, the present writ petition is instituted.

5. As agreed by Mr. P. Bhardwaj, learned counsel for the petitioner and Mr. R. Mazumder, learned counsel for the Secondary Education Department, this petition stands disposed of by directing the Commissioner and Secretary of the Secondary Education Department, Govt. of Assam to complete the process of obtaining and arriving at a conclusion as regards the MA degree qualification of the petitioner and to bring the process to its logical end.

Accordingly, the Commissioner and Secretary shall look into the matter and pass a reasoned order on the acceptability of the MA degree of the petitioner.

6. The requirement be done within a period of two months from the date of receipt of the certified copy of the order. But it is not to be construed that this is a direction to the Commissioner and Secretary to allow the claim of the petitioner and on the other hand, it is a direction to the Commissioner for his own independent application of mind and pass a reasoned order thereon. We leave it entirely to the Commissioner to arrive at its own conclusion depending on the facts and circumstance of the case. The requirement be done within a period of 2 months from the date of receiving the certified copy of the order.

7. Writ petition stands disposed of in the above terms.