

BEFORE

THE HON'BLE MR JUSTICE MICHAEL ZOTHANKHUMA

Heard Mr. D Das, learned Senior Counsel assisted by Mr. R Ali, learned counsel for the petitioners.

Learned Senior Counsel for the petitioners submits that the people of Deuduar and nearby villagers established the Uttara Deka Balika Vidyapith High School in the year 1982 to impart education to the children of the villagers. The Managing Committee appointed the Headmaster and other teaching and non-teaching staff, which has been approved by the Inspector of Schools. The School has obtained opening permission on 30.12.1985 from the Deputy Secretary, Government of Assam, Education Department and got recognition on 01.01.1993 from the Secretary, Board of Secondary Education, Govt. of Assam. The School fulfilled all criteria, which were required for provincialisation. As such, the petitioners were getting financial assistance from the Govt. of Assam. The Govt. of Assam decided to provincialise all the venture schools under the Assam Venture Institutions (Provincialisation of Services) Act, 2011 and directed the concerned Schools to submit all relevant documents before the authority to scrutinize the same. Accordingly, the petitioners submitted all the required documents before the concerned authority, but the authority declared the petitioners school as not eligible for provincialisation as less number of students appeared in HSLC. The ground for being not eligible was not on the basis of records and as such, the petitioners submitted a representation for re-examination of records. Accordingly, the Director of Secondary Education directed to submit documents for re-examination on 10.08.2013. The petitioners submitted all relevant documents before the authority concerned. Accordingly, the Inspector of Schools, Amingaon re-examined the records on 10.08.2013. After scrutiny of all documents, the Inspector of Schools submitted a report to the Director of Secondary Education, Assam. On the basis of report submitted by Inspector of School, the Director of Secondary Education, Assam declared the petitioner school as eligible for provincialisation by notification dated 27.08.2013. The authority prepared a list of 466 schools for provincialisation. But the Director of Secondary Education, Assam forwarded the list of 462 schools out of 466 schools and dropped the name of the petitioners' school from the list of Schools to be provincialised. The petitioners immediately approached the Director of Secondary Education and a fresh proposal was sent on 01.07.2014 for provincialisation. But the Govt. of Assam provincialised 461 nos of schools by dropping the 4 schools including the petitioners' school on 22.09.2014. As such, the petitioners again submitted representation dated 17.09.2015 for provincialisation of their services, but the same is pending before the authority. Hence, the petitioners have filed this writ petition.

Learned Senior Counsel for the petitioners submits that the writ petition can be disposed off if a direction is given to the respondent No. 2 to dispose off the petitioners' representation dated 17.09.2015 by way of a speaking order.

Mr. P Saikia, learned Standing Counsel, Secondary Education Department submits that he has no objection to the petitioners' counsel proposal.

In view of the consent of the parties, I dispose off the present writ petition with a direction to the respondent No. 2 to dispose off the petitioners' representation dated 17.09.2015 by a speaking order within a period of 8 (eight) weeks from the date of receipt of a certified copy of this order, which shall be accompanied by a copy of the writ petition.

Writ petition is accordingly disposed off.