

GAHC010118792015



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C) 4269/2015

1: BALO RAM DUTTA
S/O LT. THANESWAR DUTTA ASSISTANT TEACHER CARPENTER OF
KHALIHA HIGH SCHOOL, VILL and P.O. KHALIHA DIST. KAMRUP RURAL,
PIN - 781135 and PERMANENT RESIDENT OF VILL and P.O. DEOHATI P.S.
ABHAYAPURI, DIST. BONGAIGOAN, PIN - 783384.

VERSUS

1: THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER and SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION SECONDARY DEPARTMENT, DISPUR, GUWAHATI- 781006.

2: THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019.

3: THE INSPECTOR OF SCHOOLS
KAMRUP R
PIN - 781132.

4: THE DISTRICT SCRUTINY COMMITTEE
REP. BY ITS CHAIRMAN CUM-DEPUTY COMMISSIONER
KAMRUP R
PIN- 781132.

5: HEADMASTER
KHALIHA HIGH SCHOOL
KAMRUP R
PIN - 781132

Advocate for the Petitioner : MR. P NAYAK

Advocate for the Respondent : SC, SECONDARY EDUCATION R1-3

BEFORE
HON'BLE MR. JUSTICE N. KOTISWAR SINGH

31.07.2019

Heard Mr. A Deka, learned counsel for the petitioner. Also heard Mr. N Sarma, learned Standing Counsel, Education (Secondary) Department, Government of Assam for the State respondents.

The matter pertains to claim for provincialisation of service of the petitioner who is working as a Craft Teacher in Khaliha High School.

It has been submitted that though after enactment of the Assam Venture Educational Institutions (Provincialisation of Services) Act, 2011, the respondent authorities were in the process of considering the case of the petitioner for provincialisation, the said process could not be concluded as the said Act was struck down as *ultra vires* by this Court on 23.9.2016. Subsequently, the State Government has enacted the Assam Education (Provincialisation of Service of Teachers and Re-organization of Educational Institutions) Act, 2017. Accordingly, it has been submitted that the concerned authority may be directed to consider the claim of the petitioner for provincialisation afresh as per the 2017 Act.

After hearing the learned counsel for the parties and on perusal of the materials on record, this writ petition is disposed of with a direction to the respondent authorities to consider the claim of the petitioner for provincialisation under the new Act i.e. the 2017 Act and if found to be eligible, necessary orders be passed in this regard.

The entire exercise as directed shall be undertaken within a period of six months from the date of receipt of a certified copy of this order.

Till appropriate orders are passed with regard to the claim of the petitioner for provincialisation, the post held by the petitioner as Craft Teacher in Khaliha High School shall not be filled up by any other person.

The writ petition stands disposed of accordingly.

JUDGE

Comparing Assistant