

GAHC010164322019



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

Case No. : WP(C) 5211/2019

1:BAZLUR RAHMAN SHEIKH AND 6 ORS.

S/O- ABDUL GAFUR SHEIKH, R/O- VILL- GAKULKATA BLOCK, JARAGURI,
DIST- KOKRAJHAR, BTAD, SCIENCE TEACHER OF JARAGURI
KHOKSAGURI TAPU ME SCHOOL, TAMULPUR BAKSA, ASSAM

2: HALIMUL ISLAM

S/O- KHAZA MAYUN UDDIN

R/O- VILL- POTASHGURI

P.O- SAPKATA

P.S- GOSSAIGAON

DIST- BTAD

ASSAM

SCIENCE TEACHER OF KUSUMBIL BANGTIHORA M E SCHOOL

KOKRAJHAR

ASSAM

3: PRAHLAD BRAHMA

S/O- LATE JITENDRA BEAHMA

R/O- VILL- KAPURAGOAN

P.O- RAMFAIBIL

DIST- KOKRAJHAR

BTAD

SCIENCE TEACHER OF JWNGKHWL ME SCHOOL

KOKRAJHAR

ASSAM

4: KISHAR NARZARY

S/O- DEOBAR NARZARY

R/O- VILL GOLODANGI

P.O- GOLODANGI

P.S- GOSSAIGAON

DIST- KOKRAJHAR BTAD SCIENCE TEACHER OF DAWAGURIN M E

SCHOOL
KOKRAJHAR
ASSAM

5: KAMAL BASUMATARY
S/O- BASUMATARY
R/O- VILL- GOSSAIGAON
P.O- GOSSAIGAON
DIST- KOKRAJHAR
BTAD
SCIENCE TEACHER OF BORBIL NO.2 SINIGIMARI M E SCHOOL
KOKRAJHAR
ASSAM

6: JAHANDAR ALI KHAN
S/O- MOBARAK ALI
R/O- 2 NO. SHIMULTAP
P.O- SHIMULTAP
DIST- KOKRAJHAR
BTAD
ASSTT TEACHER OF SHIMULTAP PGR ME SCHOOL
KOKRAJHAR
ASSAM

7: SHARIDUR RAHMAN
S/O- MOZIBUR RAHMAN
R/O- VILL- HOWRIAPET NO.2
P.O- SAPKATA
P.S- GOSSAIGAON
DIST- KOKRAJHAR
BTAD
ASSTT TEACHER OF BURICHATAM ME ASSA

VERSUS

1:THE STATE OF ASSAM AND 9 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
DEPTT OF ELEMENTARY EDUCATION, DISPUR, GUWAHATI- 6

2:THE COMMISSIONER AND SECRETARY
TO THE WPT AND BC
GOVT OF ASSAM
DISPUR
GUWAHATI- 6

3:THE SECRETARY
TO THE GOVT OF ASSAM
ELEMENTARY EDUCATION
DISPUR
GHY- 06

4:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 19

5:THE BTC
REP. BY ITS PRINCIPAL SECRETARY
BODOLAND COUNCIL
CUM CHAIRMAN OF DISTRICT SCRUTINY
DIST- KOKRAJHAR
BTAD
ASSAM
PIN- 783370

6:THE DIRECTOR OF ELEMENTARY EDUCATION OFFICER
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
BTAD
ASSAM
PIN- 783370

7:THE DISTRICT ELEMENTARY
KOKRAJHAR
DIST- KOKRAJHAR
BTAD
ASSAM
PIN- 783370

8:THE BLOCK ELEMENTARY EDUCATION OFFICER
KOCHUGOANS BLOCK
KOKRAJHAR BTAD
ASSAM
PIN- 783360

9:THE BLOCK ELEMENTARY EDUCATION OFFICER

GOSSAIGAON BLOCK
KOKRAJHAR
BTAD
ASSAM
PIN- 783360

10:THE BLOCK ELEMENTARY EDUCATION OFFICER
DOTOMA BLOCK
KOKRAJHAR
BTAD
ASSAM
PIN- 78334

Advocate for the Petitioner : MRS A BUJARBARUAH

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HON'BLE MR.JUSTICE N. KOTISWAR SINGH
ORDER

31-07-2019

Heard Ms. A. Bujarbaruah, learned counsel for the petitioners. Also heard Mr. N. Sarma, learned Standing Counsel, Elementary Education Department and Ms. B. Bhuyan, learned Standing Counsel BTC.

2. The claim in this petition is for provincialisation of the petitioners' services, who are working as Science Teachers in different ME Schools under Kokrajhar District. It has been submitted that they have been working in the said capacity since 2000. It has been submitted that the schools in which they were serving have already been provincialised, however, without provincialising the services of the petitioners though they are otherwise qualified in all respects.

3. The said initial claim was made on the basis of the Assam Venture Education

Institutions (Provincialisation of Services) Act, 2011. However, since the said Act has been declared null and void, the question of considering the claim of the petitioner for provincialisation under the said Act does not arise. However, at present a new enactment has been made to deal with the claim of provincialisation, namely, the Assam Education (Provincialisation of Services of Teachers & Re-organisation of Education Institutions) Act, 2017.

4. In this regard it has been submitted that pursuant to the Assam Education (Provincialisation of Services of Teachers & Re-organisation of Education Institutions) Act, 2017, the authorities had requisitioned applications from all those teachers who are eligible for provincialisation and accordingly, the petitioners also being eligible for the same had submitted their respective applications with supporting documents before the District Elementary Education Officer, Kokrajhar. However, the authorities have not taken any decision in this regard.

5. In view of above, the present petition is disposed of directing the respondent authorities to do the needful, more particularly, the respondent no.1 in concert with other official respondents to consider the claim for provincialisation of the services of the petitioners in terms of the aforesaid Act, 2017, and they be given the benefit of provincialisation if they are found eligible in terms of the said Act as expeditiously as possible preferably within a period of 6 (six) months from the date of receipt of a certified copy of this order.

JUDGE

Comparing Assistant