

GAHC010003072022



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

Case No. : WP(C)/295/2022

KHOLILUR RAHMAN
S/O- NUR BAKTA SHEIKH, R/O- VILLAGE BORAIKANDI,
P.O- KANAIMARA, DIST- SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF ELEMENTARY EDUCATION, DISPUR, GUWAHATI-06

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

3:THE DEPUTY COMMISSIONER
SOUTH SALMARA
MANKACHAR
HATSINGIMARI
PIN-783135

4:THE DEEO
DHUBRI
P.O AND DIST- DHUBRI
ASSAM
PIN-783301

5:THE BEEO
MANKACHAR EDUCATION BLOCK
HATSINGIMARI
PIN-783135

6:A KHALEQUZZAMAN AHMED
HEAD MASTER OF DAYARCHAR M.E. MADRASSA
R/O- VILLAGE AND P.O- FEKAMARI
DIST- SOUTH SALMARA
MANKACHAR
ASSAM
PIN-783135

7:REHENA PARVIN SK
ASSISTANT TEACHER
DAYARCHAR M.E. MADRASSA
R/O- VILLAGE AND P.O- FEKAMARI
DIST- SOUTH SALMARA
MANKACHAR
ASSAM
PIN-78313

Advocate for the Petitioner : MR. M A ISLAM

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

ORDER

17.02.2022

Heard Mr. MA Islam, learned counsel for the petitioner. Also heard Mr. NJ Khataniar, learned counsel for the respondents No.1, 2, 4 and 5 being the authorities under the Elementary Education Department, Government of Assam and Mr. SR Baruah, learned counsel for the respondent No.3, being the Deputy Commissioner, South Salmara Mankachar, Hatsingimari.

Issue notice, returnable by six weeks.

Extra copies of the writ petition be served on the learned counsel for the respondents as indicated above within three days.

Petitioner to take steps for service of notice on the respondents No.6 and 7 by registered post with A/D within three days.

The petitioner Kholilur Rahman is a language teacher in the Dayarchar ME Madrassa in the South Salmara district having been appointed on 25.01.1991 and the respondent No.7 Rehena Parvin Sk. is also a language teacher of the school concerned who was appointed on 01.03.2008. Accordingly from the respective dates of joining, the petitioner would be senior in the school as a language teacher than the respondent No.7. But by the order impugned, the services of the respondent No.7 was provincialised as the language teacher of the school concerned.

In view of the above, considering the balance of convenience and irreparable loss that the petitioner may suffer, in the interim, further effect of provincialisation be not given to the respondent No.7 Rehena Parvin Sk., until further order(s).

List after six weeks.

JUDGE

Comparing Assistant