

GAHC010062242023



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

Case No. : WP(C)/2680/2023

DILIP CHUTIA
S/O KESHARAM CHUTIA PERMANENT R/O VILL. DHUBABARI P.O.
DHUBABARI DIST. DHEMAJI ASSAM, HEADMASTER GYANPITH GIRLS
M.E. SCHOOL DHEMAJI

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY OF THE GOVT. OF ASSAM
EDUCATION ELEMENTARY DEPTT. DISPUR GUWAHATI 6

2:THE JOINT SECRETARY
TO THE GOVT. OF ASSAM EDUCATION ELEMENTARY DEPTT. DISPUR
GUWAHATI 6

3:THE DIRECTOR OF ELEMENTARY EDUCATION ASSAM
KAHILIPARA GUWAHATI 19

4:THE DEPUTY DIRECTOR OF ELEMENTARY EDUCATION
KAHILIPARA GUWAHATI 19

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DHEMAJI ASSAM

6:THE DISTRICT LEVEL SCRUTINY COMMITTEE
REP. BY THE DHEMAJI ASSA

Advocate for the Petitioner : MRS. K DEVI

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 16.02.2024

Heard Mr. G. Das, learned counsel for the petitioner. Also heard Mr. S.M.T. Chistie, learned standing counsel, Elementary Education Department, appearing on behalf of respondents No. 1, 2, 3, 4 & 5; and Ms. D. D. Barman, learned Addl. Senior Government Advocate, appearing on behalf of respondent No. 6.

Issue notice, returnable within 4 weeks.

As Mr. Chistie, learned standing counsel, Elementary Education Department, and Ms. Barman, learned Addl. Senior Government Advocate, have accepted notices on behalf of their respective respondents; no formal notice is required to be sent to the said respondents. However, requisite extra copies of the writ petition be furnished to them during the course of the day.

Mr. Chistie, learned standing counsel, Elementary Education Department, on instructions, submits that the teaching staff of Gyanpith Girls M.E. School were considered for provincialization under the provisions of the Assam Education (Provincialization of Services of Teachers and Re-organization of Educational Institutions) Act, 2017, and the District Level Scrutiny Committee(DLSC) had made recommendations in their favour. However, when the matter was placed before the State Level Scrutiny Committee(SLSC), it was found that the said school do not have an enrollment of 30 students as on the date of the Assam Education (Provincialization of Services of Teachers and Re-organization of Educational Institutions) Act, 2017, coming

into force and as such, the cases of the serving teachers of the said school could not be further processed.

Mr. Chistie, learned standing counsel, Elementary Education Department, shall bring on record the said material by filing an affidavit to enable Ms. Devi, learned counsel for the petitioner, to counter the same.

The said affidavit be filed within 4 weeks.

List it after 4 weeks.

JUDGE

Comparing Assistant