

GAHC010111552026



2026:GAU-AS:7934

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

Case No. : WP(C)/2982/2026

MAZIBAR RAHMAN S/O- SAMER ALI BEPARI VILL- JHAPUSABARI P.O-
SOUTH JHAPUSABARI P.S- GOLAKGANJ DIST. DHUBRI, ASSAM PIN-
783335.

VERSUS

THE STATE OF ASSAM AND 5 ORS REPRESENTED BY THE CHIEF
SECRETARY, GOVT. OF ASSAM, DISPUR, GHY-06

2:THE COMMISSIONER AND SECRETARY
HIGHER EDUCATION DEPARTMENT GOVT. OF ASSAM DISPUR GHY-06.

3:THE DIRECTOR OF HIGHER EDUCATION DEPARTMENT CUM CHAIRMAN
STATE LEVEL SCRUTINY COMMITTEE SLSC
ASSAM KAHILIPARA GHY-19

4:THE DEPUTY DIRECTOR OF HIGHER EDUCATION CUM MEMBER
SECRETARY STATE LEVEL SCRUTINY COMMITTEE SLSC ASSAM
KAHILIPARA GHY-19.

5:THE DISTRICT COMMISSIONER
DHUBRI CUM-CHAIRMAN DISTRICT SCRUTINY COMMITTEE DSC
DHUBRI ASSAM.

6:THE INSPECTOR OF SCHOOLS DHUBRI DISTRICT CIRCLE
DHUBRI CUM-MEMBER SECRETARY
DISTRICT SCRUTINY COMMITTEE
DHUBRI ASSAM

Advocate for the Petitioner : MR. M U MONDAL, A A AHMED,MR. A W MONDAL,MR A
ALIM SK

Advocate for the Respondent : GA, ASSAM, SC, HIGHER EDU

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 08.06.2026

Heard Mr. Mohar Uddin Mondal, learned counsel for the petitioner. Also heard Ms. A. Phukan, learned counsel, appearing on behalf of respondents No. 1 & 5; and Mr. S. Bhuyan, learned standing counsel, Higher Education Department, appearing on behalf of respondents No. 2, 3 & 4.

2. The case of the petitioner is that he has been serving as a Lecturer/Tutor Assistant Professor in the Department of Political Science in Progati College, Agomani, Dhubri, w.e.f. 23.07.2003, having been appointed by the Governing Body of the said College on 23.07.2003.

3. It is submitted that by Minutes dated 10.07.2023, adopted by the State Level Screening Committee, the name of the petitioner was recommended for provincialization in the said Dhubri Girls' College, Dhubri, based on the verification report dated 10.03.2023 submitted by the Screening Committee, Assam, whereby, it is stated that the Masters Degree acquired by the petitioner, was found to be in order and he is eligible for provincialization as a Tutor Assistant Professor of the said College as per the provisions of the Assam Education (Provincialization of Services of Teachers and Re-organization of Educational Institutions) Act, 2017(amended in 2018).

4. However, despite the recommendation of the State Level Screening Committee for provincialization of the service of the petitioner in the year 2023, his service has not yet been provincialized whereas the service of other teaching and non-teaching staff of Progati College, Agomani, Dhubri, has been already provincialized.

5. By way of filing the present writ petition under Article 226 of the Constitution of India, the petitioner prays for a direction to the respondent authorities to provincialize his service as a Tutor Assistant Professor of Progati College, Agomani, Dhubri, w.e.f. 01.01.2021, in terms of the Screening Committee report dated 10.03.2023 and State Level Screening Committee's recommendation dated 10.07.2023, in compliance of the provisions of Sections 2, 3, 4, 6, 7, 13 and 14, of the Assam Education (Provincialization of Services of Teachers and Re-organization of Educational Institutions) Act, 2017(amended in 2018).

6. However, at the outset, Mr. Mondal, learned counsel for the petitioner, submits that being aggrieved by non-consideration of his case for provincialization, the petitioner has already preferred an appeal/ representation before the Commissioner and Secretary, Higher Education Department, Assam, on 23.05.2026, which is pending disposal before the said authority.

7. Learned counsel for the petitioner further submits that since the petitioner has submitted an appeal/representation dated 23.05.2026, ventilating his grievances regarding non-provincialization of his service despite the recommendation of the State Level Screening Committee dated 10.07.2023, it is submitted that the said appeal/representation is pending disposal before the authority concerned. Learned counsel, therefore, confine the prayer in the present writ petition to direct the respondent authorities to consider and dispose of the said appeal/representation by passing a reasoned and speaking order within a time-bound period.

8. Mr. Bhuyan, learned standing counsel, Higher Education Department, has no objection to the above prayer of the petitioner to the extent that his representation dated 23.05.2026, be disposed of, however, by granting sufficient time for such disposal.

9. In view of the above, and as agreed upon by the learned counsel for the parties, without expressing any opinion on the merit of the petitioner's claim; this writ petition is disposed of with a direction to the respondent authorities concerned, more particularly, the respondent No. 2 viz. Commissioner and Secretary, Higher Education Department, Assam, to consider and dispose of the appeal/representation dated 23.05.2026, submitted by the petitioner for provincialization of his service as a Tutor Assistant Professor in the Department of Political Science in Progati College, Agomani, Dhubri, in accordance with law, after affording an opportunity of hearing to the petitioner, if so required.

10. Such exercise be completed within a period of 1(one) month from the date of receipt of a certified copy of this order.

11. The decision so taken, shall be communicated to the petitioner forthwith.

12. With the above directions, the writ petition stands disposed of at the motion stage itself.

JUDGE

Comparing Assistant