

GAHC010156442021



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

Case No. : WP(C)/5237/2021

NUR MAHAMMAD MONDAL
S/O AMIR UDDIN MONDAL, R/O VILL. 11 NO. RIVER BLOCK MAJERCHAR,
P.O. MAJERCHAR, DIST. DHUBRI, ASSAM, PIN 783325

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT. OF
ASSAM, DEPTT. OF ELEMENTARY EDUCATION, DISPUR, GUWAHATI 06

2:THE DIRECTOR OF ELEMENTARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI 19

3:THE DEPUTY COMMISSIONER

DHUBRI
DIST. DHUBRI
ASSAM
PIN 783301

4:THE DEEO

DHUBRI
DIST. DHUBRI
ASSAM
PIN 783301

5:THE BEEO

GAURIPUR EDUCATION BLOCK
DIST. DHUBRI
ASSAM
PIN 783331

6:ABDUL JOBBAR SK.
HEAD MASTER
SATER ALGA M.E. MADRASSA
P.O.- ASHARIKANDI
DIST.- DHUBRI
ASSAM
PIN- 783331.

7:SMT. SUFIA KHATUN
ASSTT. TEACHER
SATER ALGA M.E. MADRASSA
P.O.- ASHARIKANDI
DIST.- DHUBRI
ASSAM
PIN- 783331

Advocate for the Petitioner : MR. M A ISLAM

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE NELSON SAIO

ORDER

23.01.2023

The grievance of the petitioner is that respondent nos.6 & 7 who are both Language Teachers have been provincialised despite the provision of the Assam Education (Provincialisation of Services of Teachers and Re-organisation of Educational Institutions) Act, 2017, which says that services of only one Language Teacher should be provincialised in a school. The petitioner is a Teacher teaching Social Studies and claims that his service should have been provincialised instead of provincialisation of the two Language Teachers.

It is also seen that the respondent nos.6 & 7 have filed their affidavit-in-opposition on 16.12.2021.

The counsel for the petitioner as well as Mr. P.N. Sarma, learned Standing Counsel, Education Department however submits that they have not been served with a copy of such affidavit. The counsel for the respondent nos.6 & 7 Mr. M.M. Rahman shall serve a copy of each of the affidavit filed by the respondent nos.6 & 7 to Mr. M.A. Islam, learned counsel for the petitioner as well as Mr. P.N. Sarma, learned Standing Counsel, Education Department within a week.

List the matter again after 3 (three) weeks. Meantime, further pleadings may be exchanged by the parties.

JUDGE

Comparing Assistant