

GAHC010178132024



undefined

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

Case No. : WP(C)/4498/2024

MOSHARRAF HUSSAIN

S/O- MOJIBAR RAHMAN, VILLAGE- JHAGRAPAR PART-I, P.O.- JHAGRAPAR,
P.S. DHUBRI, DIST.- DHUBRI, ASSAM, PIN- 783325

VERSUS

THE STATE OF ASSAM AND 6 ORS

REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EDUCATION DEPARTMENT (ELEMENTARY),
DISPUR, GUWAHATI- 06

2:THE DIRECTOR OF ELEMENTARY EDUCATION

ASSAM

KAHILIPARA

GUWAHATI-19

3:THE STATE LEVEL SCRUTINY COMMITTEE

REPRESENTED BY THE CHAIRMAN-CUM-THE DIRECTOR OF
ELEMENTARY EDUCATION
ASSAM

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER

DHUBRI

ASSAM

5:THE EXECUTIVE DIRECTOR

SARBA SHIKSHA ABHIYAN MISSION (SSA)

ASSAM

KAHILIPARA

GUWAHATI- 781019

6:THE DISTRICT SCRUTINY COMMITTEE

DHUBRI

REPRESENTED BY ITS CHAIRMAN

DISTRICT- DHUBRI
ASSAM

7:ABDUL KARIM MOLLAH @ ABDUL KASIM MOLLAH
S/O- LT. ABDUS SALAM MOLLAH
VILL- KALAPAKANI PART-II
P.O.- PATAMARI
DIST- DHUBRI
PIN- 78332

Advocate for the Petitioner : MR. I H LASKAR, MR. P DAIMARY,MS. N M LONGKENG,MR.
R. KARIM,MR. P K DEKA

Advocate for the Respondent : GA, ASSAM, MR J ABEDIN (R-7),MR M Z RAHMAN (R-7),MR. K
I MAZUMDER (R-7),SC, SSA,SC, ELEM. EDU

Linked Case : WP(C)/4628/2023

ABDUL KARIM MOLLAH
SON OF LATE ABDUS SALAM MOLLAH
VILL. KALAPAKANI
PART-II
P.O. PATAMARI
DISTRICT- DHUBRI
ASSAM
PIN- 783324

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF SCHOOL EDUCATION
DISPUR
GUWAHATI- 781006

2:THE DIRECTOR OF ELEMENTARY OF EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019

3:THE STATE LEVEL SCRUTINY COMMITTEE
REPRESENTED BY THE CHAIRMAN-CUM-THE DIRECTOR OF ELEMENTARY
EDUCATION
ASSAM
KAHILIPARA

GUWAHATI- 781019

4:THE DISTRICT LEVEL SCRUTINY COMMITTEE
REPRESENTED BY ITS CHAIRMAN
DEPUTY COMMISSIONER
DHUBRI
PIN- 783330

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DHUBRI
DISTRICT DHUBRI
ASSAM
PIN- 783330

Advocate for : MR J ABEDIN
Advocate for : SC
ELEM. EDU appearing for THE STATE OF ASSAM AND 4 ORS

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 22-07-2025

Pursuant to the order dated 16.03.2022 passed in WP(C) 2143/2021 as well as filing of a contempt case on 20.02.2023, i.e., Cont.Cas(C) 95/2023, the Director of Elementary Education Department has passed an order dated 21.06.2024 by which it has been decided that Kalapakani Sakatun Nessa M.E. Madrassa can have only 5 (five) provincialised teachers as per Clause 3(1)(xi) of the Assam Education (Provincialisation of Services of Teachers and Re-Organization of Educational Institutions) Act, 2017 (hereinafter referred to as the "Act of 2017").

In view of the above position, Mr. A Phukan, learned Standing Counsel, Elementary Education Department shall obtain instructions, as to who are the teachers, who are eligible to be provincialised against the 5 (five) posts, having regard to the provincialisation of the Act of 2017 by the next date.

List these matters again on ***19.08.2025***.

Till the next date, interim order passed in WP(C) 4628/2023 shall continue.

Ms. DD Barman, learned Government Advocate appears for the State Government.

JUDGE

Comparing Assistant