

GAHC010190122022



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

**Case No. : WP(C)/6431/2022**

MUNNAF ALI  
S/O- RAHIM UDDIN, VILL.- JOGIR PAM, P.O. DABALIYA PARA, P.S. AND  
DIST. BARPETA, ASSAM, PIN- 781316.

VERSUS

THE STATE OF ASSAM AND 7 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, EDUCATION (ELEMENTARY) DEPARTMENT, DISPUR,  
GUWAHATI-6.

2:THE STATE LEVEL SCRUTINY COMMITTEE  
REPRESENTED BY THE DIRECTOR OF ELEMENTARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI-19.

3:THE DIRECTOR OF ELEMENTARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI-19.

4:THE DISTRICT SCRUTINY COMMITTEE FOR ELEMENTARY EDUCATION  
REPRESENTED BY ITS CHAIRMAN CUM DEPUTY COMMISSIONER OF  
BARPETA DISTRICT  
ASSAM  
PIN- 781301.

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER  
BARPETA  
DIST. BARPETA  
ASSAM  
PIN- 781301.

6:THE BLOCK ELEMENTARY EDUCATION OFFICER  
BHAWANIPUR  
DIST. BARPETA  
ASSAM  
PIN- 781316.

7:JAMAL UDDIN  
S/O- JURAN ALI  
VILL.- GAREMARI  
P.O. GAREMARI  
P.S. HOWLY  
DIST. BARPETA  
ASSAM  
PIN- 781314.

8:NAZRUL ISLAM  
TUTOR OF DAKSHIN GAREMARI M.E. MADRASSA  
VILL.- GAREMARI  
DIST. BARPETA  
PIN- 781314

**Advocate for the Petitioner** : MR. M ALI

**Advocate for the Respondent** : SC, ELEM. EDU

**BEFORE**  
**HONOURABLE MR. JUSTICE NELSON SAILO**

**ORDER**

**Date : 28-09-2022**

Heard Mr. M Ali, learned counsel for the petitioner, who submits that the petitioner is aggrieved with the provincialization of the services of the respondent Nos. 7 and 8 against the Dakshin Garehari M.E. Madrasa wherein the petitioner himself is also working. The learned counsel submits that the petitioner has rendered his services as Assistant Teacher in the subject of Social Science w.e.f. 13.01.2001 till date and therefore, he is entitled to be given the benefit of provincialization over and above the private respondents.

Issue notice of motion, returnable by 4 (four) weeks.

Mr. A Phukan, learned counsel appears and accepts notice on behalf of respondent Nos. 1, 2, 3, 5 and 6 while Mr. A Saikia, learned counsel appears and accepts notice on behalf of respondent No. 4.

Petitioner to serve requisite extra copies of the writ petition to the learned counsels for the respondents within 3 (three) days.

Petitioner to take steps for service of notice upon the respondent Nos. 7 and 8 by registered post with A/D within 3 (three) days.

List the matter again ***after 4 (four) weeks***.

Respondents to file their counter-affidavits in the meantime.

The provincialization of the private respondents is subject to the outcome of the writ petition.

**JUDGE**

**Comparing Assistant**