

GAHC010241492025



2026:GAU-AS:3937

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

Case No. : WP(C)/5614/2024

MD. JOMIL AHMED
S/O LATE ABDUL MAZID
R/O VILL- SHALMARABORI
P.O. BECHAMARI
P.S. DHING
DIST. NAGAON
ASSAM
PIN-782123

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
SECONDARY EDUCATION DEPARTMENT
DISPUR
ASSAM
PIN-781006

2:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI-781019

3:SECRETARY TO THE GOVT. OF ASSAM

DEPARTMENT OF SCHOOL EDUCATION
DISPUR
GUWAHATI-781019

4:THE INSPECTOR OF SCHOOLS

MDC
MORIGAON
ASSAM

PIN-782105

Advocate for : MR. P J SAIKIA
SR. ADV

Advocate for : SC
SEC. EDU. appearing for THE STATE OF ASSAM AND 3 ORS

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 18-03-2026

Heard Mr. K. J. Saikia, learned counsel appearing on behalf of Mr. P. J. Saikia, learned Senior Counsel for the petitioner. Also heard Mr. S. M. T. Chistie, learned Standing Counsel, Secondary Education Department for all the respondents.

2. By filing this writ petition, the petitioner has prayed for a direction to the respondent authorities to provincialise his service in terms of the recommendation of the State Level Scrutiny Committee (SLSC) dated 28.12.2021.

3. Having considered the stand of the State respondents and as agreed to by the learned counsel for the petitioner, this writ petition is disposed of at the motion stage itself.

4. The petitioner is serving as Lecturer in Economics Department at Hazi Amsar Ali Muktar Girls Senior Secondary School, Moirabari, since

27.03.2000. The case of the petitioner for provincialisation of his service has been duly recommended by the District Scrutiny Committee (DSC) as well as the SLSC in terms of the provisions of the Assam Education (Provincialisation of Service of Teachers and Re-organization of Educational Institutions) Act, 2017 (hereinafter referred to as "the Act of 2017").

5. It is the case of the petitioner that, despite the recommendation by the competent authority, the service of the petitioner is yet to be provincialised. Therefore, it is submitted that the respondent authorities may be directed to provincialise the service of the petitioner.

6. On 11.03.2026, Mr. S. M. T. Chistie, learned Standing Counsel for Secondary Education, submitted that the approval of the Highest Executive of the State has been obtained with regard to the proposal for creation of 2 (two) posts for provincialisation of the service of the petitioner.

7. Today, Mr. Chistie, by placing a copy of the communication dated 11.03.2026, reiterated that the petitioner and one *Md. Tariquel Islam* are found eligible for provincialisation of their services under the Act of 2017. However, due to the enactment of the Assam Education (Provincialisation of Services of Teachers and Re-organization of Educational Institutions) Act, 2025, w.e.f. December 2025, a file has been endorsed to the Judicial Department for views on whether the petitioner can be provincialised under the Act of 2017 after the enactment of the Act of 2025. He submits that the views sought would be formal one and once the matter is approved by the Finance Department, the service of the petitioner would be provincialised in accordance with the law.

8. Having considered that the case of the petitioner has been duly recommended by the SLSC and that approval has already been granted by the competent authority for the creation of 2 (two) posts in respect of the petitioner and one *Md. Tariquel Islam* and considering that provincialisation of the service of the petitioner is only a matter of time and as agreed to by the learned counsel for the parties, I deem it appropriate to dispose of this writ petition with hope and trust that the case of the petitioner for provincialisation of his service shall be considered expeditiously, in terms of the recommendation and approval by the Highest Executive of the State in accordance with the applicable Act.

9. Accordingly, the writ petition stands disposed of, with the above observation.

JUDGE

Comparing Assistant