

GAHC010215282021



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

**Case No. : WP(C)/6992/2021**

DIPANKER BORUAH  
S/O- NUMOL BORAH, R/O VILLAGE- KACHAMARI DAKHIN NEGHERI  
PATHAR, P.O- KACHAMARI, P.S- MERAPANI, SUB-DIVISION- GOLAGHAT,  
DIST- GOLAGHAT

VERSUS

THE STATE OF ASSAM AND 6 ORS  
REP BY THE COMMISSIONER AND SECONDARY DEPARTMENT OF  
ELEMENTARY EDUCATION, GOVT. OF ASSAM, DISPUR, GHY-06

2:THE DIRECTOR  
OF ELEMENTARY EDUCATION  
KAHILIPARA  
GHY-19  
KAMRUP(M)  
ASSAM.

3:THE DISTRICT SCRUTINY COMMITTEE  
GOLAGHAT DISTRICT  
REP BY THE DEPUTY COMMISSIONER  
GOLAGHAT DISTRICT

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER  
GOLAGHAT DISTRICT

5:THE BLOCK ELEMENTARY EDUCATION OFFICER  
GOLAGHAT WEST  
ELEMENTARY EDUCATION BLOCK BOKAKHAT

6:SRI NIRMAL KACHARI AND NIRMALI KACHARI

TUTOR (ERSTWHILE HEAD MASTER)  
NAVAJYOTI MISSING GAON ME SCHOOL  
VILL- KACHAMARI DAKHIN NEGHERI PATHAR  
P.O- KACHAMARI  
P.S- MERAPANI  
SUB- DIVISION- GOLAGHAT  
DIST GOLAGHAT (ASSAM)

7:MOHESWAR GOGOI  
TUTOR  
NAVAJYOTI MISSING GAON ME SCHOOL  
VILL- KACHAMARI DAKHIN NEGHERI PATHAR  
P.O- KACHAMARI  
P.S- MERAPANI  
SUB- DIVISION- GOLAGHAT  
DIST GOLAGHAT (ASSAM)

**Advocate for the Petitioner** : MR. B K DAS

**Advocate for the Respondent** : GA, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**20.12.2021**

Heard Mr. B.K. Das, learned counsel for the petitioner as well as Mr. P.N. Sarma, learned Standing counsel for the Elementary Education Department for the respondent nos.1, 2, 4 and 5 and Mr. S.R. Baruah, learned Government Advocate for the respondent no.3.

Issue notice including notice on the prayer for interim relief returnable on 07.02.2022.

Requisite extra copies of the writ petition be served on the learned Standing counsel and Government Advocate in course of the day.

The petitioner shall take steps within 2(two) days for service of notice on the

respondent nos.6 and 7 by registered post with A/D. Liberty is granted to the learned counsel for the petitioner to collect the postal receipt number from the Registry so as to track service through the postal website of India Post and to submit the track report before the Registry prior to the next date fixed.

In view of the provision of section 3(1)(xi) of the Assam Education (Provincialisation of Services of Teachers and Re-organization of Educational Institutions) Act, 2017, the pendency of the writ petition shall not be a bar for the respondent no.2 i.e. the Director of Elementary Education to re-visit the order of provincialisation of the list of teachers annexed to the writ petition as Annexure-III read with Annexure-II of the writ petition which discloses that teachers whose names appear at Sl. No.2 to 3 and 2 to 4 of Golaghat district in respect of Navajyoti Missing Gaon ME School under BEEO East Block, discloses provincialisation of services of respondent nos.6 and 7 who are projected to be working as Language teachers in English and Hindi who has joined the school on 07.01.2005 and to consider the case of the petitioner for provincialisation, claiming to be the Social Studies teacher.

The petitioner is at liberty to produce the certified copy of the order before the respondent no.2.

The provincialisation of services of respondent nos.6 and 7 would be subject to further orders that may be passed by this Court.

List the matter on 07.02.2022.

**JUDGE**

**Comparing Assistant**