

GAHC010278512025



2026:GAU-AS:585

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

Case No. : WP(C)/7221/2025

AKBAR ALI AHMED
SON OF LATE NIYAT ALI RESIDENT OF VILLAGE DHUPALPARA PO
MAJGAON DISTRICT BARPETA ASSAM PIN 781313

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM SECONDARY EDUCATION DEPARTMENT
DISPUR GUWAHATI 781006

2:THE DIRECTOR
TO THE GOVT OF ASSAM SECONDARY EDUCATION DEPARTMENT
KAHILIPARA GUWAHATI 781019

3:THE ADDITIONAL PRINCIPAL SECRETARY
BODOLAND TERRITORIAL COUNCIL CUM CHAIRMAN OF THE DISTRICT
SCRUTINY COMMITTEE BODOLAND TERRITORIAL COUNCIL
SECRETARIAT BODOFA NWGWR KOKRAJHAR BODOLAND TERRITORIAL
REGION ASSAM

4:THE DIRECTOR OF EDUCATION
BODOLAND TERRITORIAL COUNCIL KOKRAJHAR STATION ROAD BTR
DISTRICT KOKRAJHAR ASSAM PIN 783370

5:THE INSPECTOR OF SCHOOLS
BODOLAND DISTRICT CIRCLE MUSHALPUR BAKS

Advocate for the Petitioner : MR. TANUZ KASHYAP, N GAUTAM,MR. R M DEKA,MR. K N
CHOUDHURY

Advocate for the Respondent : SC, SEC. EDU., SC. BTC

BEFORE
HON'BLE MR. JUSTICE NELSON SAILO
O R D E R

20.01.2026

Heard Mr. R.M Deka, learned counsel for the petitioner, Mr. U. Sharma, learned Standing Counsel, Secondary Education Department and Ms. P. Kashyap, learned Standing Counsel, BTC appearing for respondent Nos. 3, 4 & 5. Having regard to the projection made by the petitioner, the writ petition is taken up for disposal at this stage.

2. Mr. R.M. Deka, learned counsel for the petitioner submits that the petitioner is aggrieved for not having been provincialised in service on the ground that his name does not appear in the DISE Data. He submits that the issue in this regard has already been settled by a co-ordinate bench of this Court through a common judgment and order dated 12.04.2023 with the lead case being WP(C) No.1353/2022 (Kishor Kumar Nath and others –versus- State of Assam an others), reported in 2023 SCC OnLine Gau 1487.

3. By producing a copy of the aforesaid judgment, the learned counsel for the petitioner refers to paragraphs No.2, 13 & 14 to 20 of the said judgment and submits that it has been held that in respect of Venture High School and Venture Higher Secondary Schools, there is no requirement for capturing the details of the teacher in the DISE Code and insistence of the same is arbitrary and contrary to the provisions of the Assam Education (Provincialisation of Services of Teachers and Re-Organization of Educational Institutions) Act, 2017 (in short Act of 2017). Learned counsel for the petitioner also submits that pursuant to the said

judgment and order, a number of writ petitions have also been disposed of as a covered case and therefore, this case also may be disposed of in terms of the said judgments.

4. Mr. U. Sharma, learned Standing Counsel, Secondary Education Department submits that the case of the petitioner no doubt seems to be covered by the earlier decision of this Court, but liberty may be granted to the State Level Scrutiny Committee to scrutinize the details and particulars of the petitioner to ensure that the petitioner possess the necessary criteria for being considered for provincialisation.

5. Considering the above submissions and upon perusal of the case relied upon, it only appears that the present case is squarely covered by the decision rendered in Kishor Kumar Nath (supra).

6. Accordingly, the writ petition is disposed of by directing the respondent authorities to consider the case of the petitioner for provincialisation of his services as Teacher/Tutor by making necessary verification in terms of Section 4 of the Act of 2017 without insisting upon his name being captured in the DISE Code.

7. The exercise be carried out and completed within a period of four months from the date of receipt of a certified copy of this order.

JUDGE

Comparing Assistant