

GAHC010015052024



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

Case No. : WP(C)/474/2024

1. MAFIDUL ISLAM HAZARIKA AND 7 ORS
S/O- ABDUL LATIF HAZARIKA,
VILL AND P.O- DHANIA BHETI,
P.S- BATADRAVA, DIST- NAGAON, ASSAM, PIN-782122

2: HUSNARA BEGUM
W/O- MD. GIAS UDDIN.
VILL- KUBAI KATA
P.O- DHANIA BHETI,P.S- BATRADAVA
DIST- NAGAON, ASSAM, PIN-782122

3: ANUWARA BEGUM
W/O- LATE FAZLUL HAQUE CHOWDHURY
VILL AND P.O- DHANIABHETI
P.S- BATADRAVA, DIST- NAGAON
ASSAM, PIN-782122

4: MD. RAFIQUL ISLAM
S/O- MD. SALIM UDDIN AHMED
VILL- KATAHGURI
P.O- TUKTUKI, P.S- DHING
DIST- NAGAON, ASSAM
PIN-782123

5: BORDUL ISLAM
S/O- ABDUL BARIQUE
VILL- CHAMAKA
P.O- TUKTUKI, P.S- BATADRAVA
DIST- NAGAON, ASSAM
PIN-782123

6: MD. ABDUL SATTAR
S/O- MD. ABDUL RAHMAN

VILL AND P.O- DHANIABHETI
P.S- BATRADAVA,DIST- NAGAON
ASSAM, PION-782122

7: RASHIDA KHATUN
S/O- LATE ABDUL MALEK
VILL -CHAMAKA
P.O- TUKTUKI ,P.S- BATRADAVA
DIST- NAGAON, ASSAM, PIN-782122

8: MD. FAKAR UDDIN
S/O- MD. OSMAN ALI
VILL -DHANIABHETI
P.O- DHANIABHETI, P.S- BATRADAVA
DIST- NAGAON, ASSAM, PIN-78212

VERSUS

1. THE STATE OF ASSAM AND 2 ORS
TO BE REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF
ASSAM, EDUCATION ELEMENTARY DEPARTMENT, DISPUR, GUWAHATI-
06, ASSAM

2:THE DIRECTOR OF ELEMENTARY EDUCATION, ASSAM
KAHILIPARA, GUWAHATI-19

3:THE MISSION DIRECTOR
SARBA SHIKSHA ABHIYAN MISSION, ASSAM
KAHILIPARA, GUWAHATI-1

Advocate for the Petitioner : MR. A R BHUYAN

Advocate for the Respondent : SC, ELEM. EDU

- B E F O R E -

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

02.02.2024

Heard Mr. A.R. Bhuyan, learned counsel for the petitioners. Also heard Ms. S. Chutia, learned Standing Counsel, Education (Elementary) Department appearing for respondent Nos.1 and 2 and Ms. P. Das, learned counsel

appearing for the SSA/respondent No.3.

The petitioners claim that the issue raised in this writ petition would be covered by the order dated 23.06.2023 passed in WP(C) No.3667/2023 and similar order may be passed. The order dated 23.06.2023 in WP(C)/3667/2023 is extracted as below:

"Heard Mr. A.R. Bhuyan, learned counsel for the petitioners. Also heard Ms. N. Phukan, learned standing counsel, Elementary Education for the respondent Nos. 1 and 2 and Mr. S. Bora, learned standing counsel, SSA for the respondent No.3.

2. The petitioners before this Court were serving as Education Volunteers (EV) under different Education Guarantee Scheme (EGS) Centers, which were established for implementation of provisions of the Right to Free and Compulsory Education Act, 2009. The appointment of the petitioners as Education Volunteers were made after a selection process.

3. The EGS Centers have been shut down due exhaustion of funds and the petitioners presently are without any job. They also do not possess the Teacher Eligibility Test (TET) qualifications. As such, they are unable to apply for the job of Teachers.

4. Therefore, being aggrieved, the petitioners had made a representation before the Minister of Education, Government of Assam by representation dated 02.06.2022, praying for relaxing from passing out the mandatory TET qualification in respect of the petitioners and permit them to apply for any teacher post.

5. After hearing the learned counsel for the parties, it appears that the representation dated 02.06.2022 is made to the Minister of Education, Government of Assam and not before the appropriate authority. Accordingly, this writ petition is disposed of directing the petitioners to file a fresh representation before the Secretary, School Education Department, Govt. of Assam within a period of 2(two) weeks from today. Thereafter, on receipt of the representation, the Secretary, School Education Department shall consider and dispose of the same by a speaking order in accordance with law within a period of 2(two) months from the date of receipt of the representation.

6. With the aforesaid observations and directions, the writ petition is disposed of."

Ms. S. Chutia, learned Standing Counsel, Education (Elementary) Department and Ms. P. Das, learned counsel for the SSA also agrees that the matter involved is covered by the order dated 23.06.2023 in WP(C) No.3667/2023.

As provided in the order dated 23.06.2023 passed in WP(C) No.3667/2023, the petitioners may also submit representation before the

Secretary to the Government of Assam in the Elementary Education Department and in the event such representation be submitted, a reasoned order may be passed on the same.

Writ petition stands disposed of in the above terms.

JUDGE

Comparing Assistant