GAHC010192542021

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

Case No. : WP(C)/6164/2021

LAILY KHATUN
W/O NUR MAHAMMAD ALI,
VILLAGE ATA, PO SARUTAPA, PS AND DIST BARPETA, ASSAM, 781352

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM (SECONDARY) EDUCATION DEPARTMENT, DISPUR GUWAHATI 06

2:THE DIRECTOR OF SECONDARY EDUCATION ASSAM

KAHILIPARA
GUWAHATI 19

3:THE INSPECTOR OF SCHOOLS

B.D.C BARPETA
DIST BARPETA
ASSAM 78132

Advocate for the Petitioner : MR. W RAHMAN, MS. S RASUL

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

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

14.10.2026

Heard Mr. W. Rahman, learned counsel for the petitioner. Also heard Mr. U. Sarma, learned Standing Counsel, Secondary Education.

2] The petitioner before the Court is aggrieved by the non provincialisation of her services as an Arabic Teacher in the Ata High School in the District of Barpeta. The petitioner was appointed as an Arabic Teacher on 30.10.1998 by the School Management Committee as an Arabic Teacher. The petitioner had obtained the F.M. degree, which according to the petitioner is equivalent to BA degree. The said degree was obtained from the State Madrassa Education Board, Assam in the year 1997. Pursuant to her appointment she has been working in the said school as an Arabic Teacher. According to the petitioner although teacher of the school were provincialised but her name was dropped and was not considered for pronvicialisation. It is the contention of the petitioner that notwithstanding the petitioner fulfilling the eligibility having the F.M. degree and had been regularly rendering her services as an Arabic Teacher in Ata High School her claim for provincialisation was not taken up.

3] The learned counsel for the petitioner submits that the name of the petitioner was found mentioned in the report of the District Scrutiny Committee. However, her name was not sent up for provincialisation. Being aggrieved the present writ petition has been filed challenging the impugned order dated 04.01.2021 disputing the name of the teachers who are provincialised and which did not include the name of the writ petitioner.

4] The State respondent has not filed any affidavit in spite of the opportunities being granted.

5] Mr. U. Sarma, learned Standing Counsel, Secondary Education submits that the petitioner having not satisfied the qualification prescribed under Schedule III of the Assam Secondary Education (Provincialised Schools) Service Rules, 2018 therefore, the name of the petitioner was not accepted by the appropriate authority for provincialisation.

6] The learned counsel for the parties have been heard and the pleadings available on record have been carefully perused as also the rules which press into service.

7] The qualification prescribed under Schedule III Clause v(i) reflects that the qualification for classical teachers which includes an Arabic Teacher is provided as under:

> "*v(i) Classical Teacher (Sanskrit, Arabic, Urdu, Persian etc):- MM with 50% marks and degree qualification with 50% marks in concerned subject or post Graduate degree in Arts with 50% marks in concerned subject from any recognized University, but degrees obtained from off-campus and distance education institution shall not be considered as valid;*
>
> *Or*
>
> *B.A. with 50% marks and having Arabic as one of the subjects with 50% marks or Post Graduate degree in Arts with 50% marks provided that he has passed B.A. with one of the subjects as Arabic with 50% marks in Arabic;*
>
> *And*

B.T/ B.Ed degree from any recognized University, but degrees obtained from off-campus and distance education institution shall not be considered as valid"

8] The requirement under the Rules is as extracted above. According to the petitioner the F.M. degree is equivalent to BA Degree. However, such alone is not the requirement as is specified under the Rules. The Rules are very categorical, which prescribe the qualifications as extracted above. That having been admittedly not satisfied by the petitioner no fault can be found with the authorities concerned for rejection of the claims of the petitioner. In view of the discussion above this Court does not find any merit in the writ petition. No order is therefore, called for interference of the order impugned in the writ petition. Accordingly, this writ petition stands dismissed. No order as to cost.

9] Interim order, if any stands vacated.

10] Pending Interlocutory Application, if any is also dismissed.

JUDGE

Comparing Assistant