

GAHC010004422023



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

Case No. : WP(C)/1449/2023

TRAILOKYA CHOUDHURY AND 7 ORS
S/O- LAKSHMI KANTA CHOUDHURY,
SUBJECT TEACHER, SWAHID RAUTA MADAN HS SCHOOL, BARPETA,
PRESENTLY, SERVING AS PRINCIPAL OF KAMARGAON HS SCHOOL,
BARPETA,
R/O- VILL. AND P.O. BHOTANTA MAHITARA,
DIST.- BARPETA, ASSAM, PIN- 781325.

2: DHIREN CH. GHOSE
S/O- JATILAL GHOSE (GOPE)

SUBJECT TEACHER
MANIKPUR HS SCHOOL

DIST.- BANGAIGAON
PRESENTLY SERVING AS PRINCIPAL
HINDI HS SCHOOL
BONGAIGAON
DIST.- BONGAIGAON

R/O- JAKHILIRPAR
JYOTINAGAR

PO- SIMLAGIRI
DIST.- BAKSA
ASSAM

PIN- 781313.

3: HOMESWAR ROY
S/O- JOGENDRA NATH ROY

SUBJECT TEACHER OF PAKA SARIHA HS SCHOOL
BARPETA

R/O- VILL. AND P.O.- PATHSALA
WARD NO. 9

DIST.- BARPETA
ASSAM
PIN- 781325.

4: MD. RAFIUL ISLAM
S/O- MOZAMMEL HOQUE

SUBJECT TEACHER (RETIRED ON 30.04.2021)
INDRA NARAYAN ACADEMY
HS SCHOOL
BILASIPARA

WARD NO. 3
PO AND PS BILASIPARA
DIST.- DHUBRI
ASSAM

PIN- 783348.

5: MRIGANKA ROY
S/O- LATE NAGENDRA NATH ROY

ASSISTANT TEACHER
SAPATGRAM BENGALI HS SCHOOL
DHUBRI

R/O- WARD NO. 1
VILL
PO AND PS- SAPATGRAM
DIST.- DHUBRI
ASSAM

PIN- 783337.

6: MD. HAZRAT ALI
S/O- LATE SHAHJAHAN ALI

SUBJECT TEACHER
CHAPAR HS SCHOOL
DHUBRI

R/O- VILL. KAZIPARA
PT-I
CHAPAR TOWN

WARD NO. 6
PO CHAPAR
DIST.- DHUBRI

ASSAM
PIN- 783371.

7: MUSSTT. HAMIDA BEGUM
D/O- LATE HALIM ALI

ASSISTANT TEACHER KHANDAKARPARA HIGH MADRASSA
BARPETA

R/O- HATIZANA
PO- JOSIHATIPARA
DIST.- BARPETA
ASSAM

PIN- 781316.

8: SUKLA CHAKRABORTY
D/O- LATE BINOY CH. CHAKRABORTY

SUBJECT TEACHER
SP HS SCHOOL
DHUBRI

R/O- CHATIANTALA
WARD NO. 6

PO
PS AND DIST.- DHUBRI
ASSAM

PIN- 783301.

ALL THE PETITIONERS HAVE COMMON ADDRESS OF
CORRESPONDENCES C/O- SRI TRAILOKYA CHOUDHURY
R/O- VILL. AND P.O.- BHOTANTA MAHITARA
DIST.- BARPETA
ASSAM
PIN- 781325

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION,

ASSAM CIVIL SECRETARIAT,
DISPUR, GUWAHATI-6

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
ASSAM

PIN- 781019.

3:THE INSPECTOR OF SCHOOLS
DHUBRI DISTRICT CIRCLE
DHUBRI
ASSAM.

4:THE INSPECTOR OF SCHOOLS
BARPETA DISTRICT CIRCLE
DIST.- BARPETA
ASSAM.

5:THE INSPECTOR OF SCHOOLS
BANGAIGAON DISTRICT CIRCLE
DIST.- BANGAIGAON
ASSAM

Advocate for the Petitioner : MR. A K DUTTA

Advocate for the Respondent : SC, SEC. EDU.

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 17.03.2023

Heard Mr. B. Purkayastha, the learned counsel appearing on behalf of the petitioners and Mr. U. Sarma, the learned Standing counsel appears for all the respondents.

2. The instant writ petition is taken up for disposal at the motion stage itself.

3. The case of the petitioners herein is that the petitioners are Subject Teachers/Assistant Teachers having B.Ed. Degree therefore entitled to one advance increment which however been denied to the petitioners. The learned counsel for the petitioners has submitted that the Co-ordinate Benches of this Court have also passed orders directing necessary verification in that regard and for passing appropriate orders if upon verification it has been found that the petitioners have the B.Ed. Degree in question. In that regard, reference have been made to the order dated 10.03.2023 passed in WP(C) No.1202/2023.

4. Taking into account the directions passed in the order dated 10.03.2023 in WP(C) No.1202/2023 as well as the directions issued by the Joint Director of Secondary Education Department dated 21.07.2016, this Court is also of the opinion that if the petitioners have acquired the B.Ed. Degree from UGC recognized university with NCTE approved B.Ed. Colleges and joined the institution before 03.07.2012, then the petitioners would be entitled to one advance increment. This aspect of the matter however would require a verification to be carried out in the level of Inspector of Schools i.e. respondent Nos. 3, 4 and 5 herein.

5. Considering the above, this Court disposes of the writ petition thereby directing the petitioners herein to submit the fresh representation to the concerned Inspector of Schools along with a certified copy of the instant order and the concerned Inspector of Schools thereupon shall make necessary verification as to whether the petitioners have obtained B.Ed. Degree from UGC recognized university and NCTE approved B.Ed. Colleges and have joined before 03.07.2012 and upon verification if it is found that the petitioners have the required qualification as mentioned in the communication dated 21.07.2016, the

respondent authorities shall take appropriate steps for granting the one advance increment to the petitioners within a period of 3 months from the date of the submission of the representation.

6. With the above, the instant petition stands disposed off.

JUDGE

Comparing Assistant