

GAHC010009122023



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

Case No. : WP(C)/287/2023

SAMSUL HUDA
S/O- RAIZUDDIN, R/O- VILL- HATISHALA PAM, DIST.- KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, SECONDARY
EDUCATION DEPTT., DISPUR, GHY-06

2:THE SECRETARY TO THE GOVT. OF ASSAM
FINANCE (PAY RESEARCH UNIT) DEPTT.
DISPUR
GHY-06

3:THE DIRECTOR OF SECONDARY EDUCATION DEPTT.
ASSAM
KAHILIPARA
GHY-19

4:THE INSPECTOR OF SCHOOL
KAMRUP DISTRICT CIRCLE
KAMRUP
ASSAM

5:THE HEADMASTER
SOLA BARALIMARA ANCHALIK HIGH SCHOOL
CHAMARIA
KAMRU

Advocate for the Petitioner : MR. S HAZARIKA

Advocate for the Respondent : SC, EDU

B E F O R E
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

16-02-2023

Heard Mr. S. Hazarika, learned counsel for the petitioner. Also Mr. R. Mazumdar, learned Standing Counsel, Department of School Education for Respondents No.1, 3 and 4; and Mr. A. Chaliha, learned Standing Counsel, Finance Department for Respondent No.2.

2. The petitioner was promoted to the post of Headmaster of Sola Baralimara Anchalik M.E. School, Chamaria in the scale of pay of Rs.14,000/- to Rs.49,000/- including Grade Pay of Rs.8700/-, by an order dated 2.8.2017 issued by the Director of Elementary Education, Assam. Thereafter, the school of the petitioner was amalgamated with Sola Baralimara Anchalik High School, Chamaria, by an order dated 1.1.2018. In the said amalgamation order, the petitioner is redesignated as Assistant Teacher in the scale of pay of Rs.14,000/- - Rs.49,000/- plus Grade Pay of Rs.6200/-.

3. It is the case of the petitioner that when the school of the petitioner was amalgamated with Sola Baralimara Anchalik High School, Chamaria, he was serving as Headmaster of Baralimara Anchalik M.E. School, Chamaria and, in terms of the Office Memorandum dated 3rd August, 2021, particularly, Clause 7(viii), the post of Headmaster of M.E. School shall be re-designated as Assistant Headmaster with the same pay scale whatever they are drawing as Headmaster of M.E. School and the post

shall be held by the existing Headmaster of the ME School even if he is not fulfilling the required qualification for the post of Assistant Headmaster. However, by the said amalgamation order dated 1.1.2018, the petitioner has been re-designated only as Assistant Teacher instead of Assistant Headmaster. Being aggrieved with the amalgamation order dated 1.1.2018, the petitioner is before this Court by way of the present writ petition.

4. Mr. R. Mazumdar, learned Standing Counsel, Department of School Education, submits that when the proposal was submitted for amalgamation of the petitioner's school with the Sola Baralimara Anchalik High School, Chamaria he was serving only as a teacher and, therefore, in the said amalgamation order, the petitioner has been re-designated as Assistant Teacher. He, however, fairly submits that when the amalgamation order was issued on 1.1.2018, the petitioner was already serving as a Headmaster of the said M.E. School on the strength of the order dated 2.8.2017. He, therefore, submits that the anomalies in the amalgamation order dated 1.1.2018 can be rectified by the Commissioner and Secretary to the Government of Assam, School Education Department/ Respondent No.1, if the same is remanded back.

5. Considering the submission made by the learned Standing Counsel, Department of School Education, the matter is remanded back to the Commissioner and Secretary to the Government of Assam, School Education Department, to consider the grievance of the petitioner, particularly taking into consideration that before amalgamation order dated 1.1.2018 was issued, the petitioner was already serving as a

Headmaster of the said M.E. School on the strength of the order dated 2.8.2017. The fact that the petitioner was re-designated only as Assistant Teacher by the order of amalgamation dated 1.1.2018 was due to the reason that the proposal for amalgamation of the said M.E. School with the Sola Baralimara Anchalik High School, Chamaria was already sent before the promotion order of the petitioner was issued. The Respondent No.1 shall consider the case of the petitioner and, thereafter, pass an appropriate order rectifying the anomalies in the amalgamation order dated 1.1.2018 within a period of two months from the date of receipt of a copy of this order.

6. With the aforesaid observations and directions, this writ petition stands disposed of.

JUDGE

Comparing Assistant