

GAHC010022182022



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

Case No. : WP(C)/1087/2022

DAYAL CH DAS AND 4 ORS
FATHER- LATE JAMINI KR. DAS, PERMANENT ADD.-LANKA, P.O.-LANKA,
P.S.-LANKA, DIST- HOJAI, PIN-782446

2: DINOMONI SINGHA
FATHER-LATE SAJAN SINGHA
R/O VILL- BHITONGANGAPUA
P.O.-JARAILTOLA BAZAR
P.S.-BARKHOLA
DIST- CACHAR
ASSAM

3: HAMJEN KEMPRAI
FATHER SRI LAKAM KEMPRAI
ADD- HATIKHALI HIGH SCHOOL
HATIKHOLI BAZAR
HATIKHALI GARDEN
NORTH CACHAR HILLS
HATIKHOLI
ASSAM
PIN-788832

4: SUDHIR KUMAR DAS
FATHER LATE HARAMONI DAS
ADD-HATIKHALI MAHADEB TILA
P.O.-HATIKHOLI
P.S.-LANGTHING
DIST-DIMA HASAO
ASSAM

5: RATISH HAKMAOSA
FATHER LATE LABINDRA HAKMAOSA
ADD-HATIKHALI MAHADEB TILA
P.O.-HATIKHOLI

P.S.-LANGTHING
DIST- DIMA HASAO
ASSAM
PIN-78883

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, DISPUR-781006, DIST-KAMRUP(M), ASSAM

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019
DIST- KAMRUP(M)
ASSAM

3:THE INSPECTOR OF SCHOOL
DIMA HASAO
HAFLONG
DIST-DIMA HASAO

4:THE PRINCIPAL SECRETARY N.C. HILLS AUTONOMOUS COUNCIL
HAFLONG
DIST- DIMA HASAO
ASSA

Advocate for the Petitioner : MR. S K GUPTA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

21.06.2023.

1. Heard Mr. R. P. Hazarika, learned counsel for the petitioners. Also heard Mr. N. J. Khataniar, learned Standing Counsel for the Secondary Education Department and Mr. C. Sarma, learned Standing Counsel for the

N.C. Hills Autonomous Council.

2. It is the claim of the petitioners is that the petitioner Nos. 1 and 2 are holding the post of Assistant Teacher, petitioner No. 3 is a Grade-IV (Chowkidar), the petitioner No. 4 is a Grade IV (Peon) and the petitioner No. 5 is holding the post of Junior Assistant (Lower Division Assistant) in the Hatikholi High School under Dima Hasao District Circle. The petitioner's names were dropped during the amalgamating of the School with Hatikholi High School on 20.01.2018. In the aforesaid backdrop, it is the case of the petitioners that though they are working, however, due to the aforesaid reason they have not been paid their salary.
3. Mr. N. J. Khataniar, learned Standing Counsel for the Secondary Education Department relying on the affidavit filed by the Secretary to the Government of Assam, Department of School Education submits the following:-
 - i. That the Hatikhali M.E. School was amalgamated with Hatikhali High School by the Government vide letter dated 20.01.2018 as per proposal of the DSE, Assam.
 - ii. The names of the petitioners were not included as a result of which their names were found dropped in the amalgamation order. However, the petitioners were allowed to draw regular salary until it came to the notice of the IS, Dima Hasao as their salaries could not be processed due to introduction of online system from the month of May, 2019.
 - iii. Subsequently, the IS, Dima Hasao submitted a proposal to the

DSE which is turn was forwarded by the DSE to the Government for inclusion of the names of the dropped persons including the petitioners.

iv. That it was felt necessary to examine the reasons or circumstances leading to not sending the names of the petitioners and so the Government asked the IS, Dima Hasao to furnish proposal with proper justifications with supporting documents vide letter dated 22.03.2021. Accordingly, the IS, Dima Hasao furnished clarification on the proposal on 27.04.2021.

v. On examination of the proposal at the Government level, shortcomings were found again in the said proposal and so the DSE was directed to conduct a hearing with respective Inspector of Schools and Head of the Institutions. Accordingly, the DSE conducted a hearing on 09.03.2022.

vi. Thereafter, the DSE submitted a fresh proposal vide letter No. GIS/Amal.drop/10/2020/141 dated 10.04.2023, which is under process for compliance”.

4. In view of the aforesaid stand that after hearing, a fresh proposal has been submitted on 10.04.2023 which is under process, the learned counsel for the petitioner submits that the writ petition may be disposed of with a direction to the respondent Secretary to the Government of Assam, Department of School Education to conclude the process and pay the salary to the petitioners within a specific period of time.

5. Mr. Khataniar, learned Standing Counsel for the Secondary Education

submits that to make a final conclusion and to release of arrears of salary, it will take some time as the same will involve the Finance Department also. Accordingly, he submits that same can be concluded within a period of three months.

6. Accordingly, it is directed that the petitioners be paid their arrears of salary and current salary within a period of three months from today.
7. It is needless to say that the petitioners are entitled for the arrears of salary as they have admittedly continued to work in the School without salary.
8. With the aforesaid directions, this writ petition stands disposed of.

JUDGE

Comparing Assistant