

GAHC010026322023



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

Case No. : WP(C)/772/2023

NIRADA KALITA AND 4 ORS

D/O- LT. ANANDA RAM KALITA, ASSISTANT TEACHER, GEETANAGAR
HIGH SCHOOL, KAMRUP (M), DOJ 19.06.2008, DOA 18.06.2008, R/O- H/NO-23,
HENGRABARI BORBARI, P.O. HENGRABARI, GHY, DIST.- KAMRUP (M),
ASSAM, PIN- 781036

2: BIBHA RANI TAHBILDAR

W/O- DIPAK KUMAR KALITA

ASSISTANT TEACHER

KAMRUP ACADEMY HIGHER SECONDARY SCHOOL

KAMRUP (M)

DOJ 01-10-1994

DOA 20-09-1994

R/O- H/NO-2

GEETA PATHSALA LANE

GUWAHATI

NEAR HOCKEY STADIUM

ODALBAKRA

DIST.- KAMRUP (M)

ASSAM

PIN- 781034

3: RUPALI DUTTA

W/O- PRADIP KR. BARMAN

ASSISTANT TEACHER

PUB GUWAHATI ADARSHA HIGH SCHOOL

KAMRUP (M)

DOJ 10-06-2008

DOA 07-06-2008

R/O- H.NO. 4

BARNACHAL ROAD

NEAR ANURADHA CINEMA HALL

P.O. BAMUNIMAIDAM

GHY

DIST.- KAMRUP (M)
ASSAM
PIN- 781003

4: KANAKLATA BORO
D/O- SACHINDRA BORO
ASSISTANT TEACHER
AMBARI H.S. SCHOOL
FATASIL AMBARI
KAMRUP (M)
DOJ 01-08-1992
DOA 18-06-1992
R/O- H.NO. 26
RAGHUNATH PATH
DHIRENPARA
P.O. AMBARI FATASIL
DIST.- KAMRUP (M)
ASSAM
PIN- 781025

5: SAIFUDDIN AHMED
S/O- LT. MUSHARRAF HUSSAIN
ASSISTANT TEACHER
MONDIA H.S.SCHOOL
BARPETA
DOA 13-05-1992
R/O- VILL- BHATKUCHI PT-4
P.O. BHATKUCHI
BAGHBOR
DIST.- BARPETA
ASSAM
PIN- 781314 ADDRESS OF CORRESPONDENCE- C/O- SMTI. NIRADA
KALITA
R/O- H/NO-23
HENGRABARI BORBARI
P.O. HENGRABARI
GUWAHATI
DIST.- KAMRUP (M)
ASSAM
PIN- 78103

VERSUS

THE STATE OF ASSAM AND 3 ORS

REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, SECONDARY
EDUCATION DEPTT., ASSAM CIVIL SECRETARIAT, DISPUR, GHY-6

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GHY
ASSAM
PIN- 781019

3:THE INSPECTOR OF SCHOOLS
KAMRUP DISTRICT CIRCLE
PANBAZAR
DIST.- KAMRUP (M)
ASSAM
PIN- 781001

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

Advocate for the Petitioner : MR. B PURKAYASTHA

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : **20.03.2023**

Heard Mr. P. Zaman, the learned counsel appearing on behalf of the petitioners and Ms. D. Mushahary, the learned Standing counsel appearing on behalf of the respondent Nos. 1, 2, 3 and 4.

2. The case of the petitioners herein is that the petitioners are the 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.

3. 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 and 4 herein.

4. 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.

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

JUDGE

Comparing Assistant