

GAHC010040622023



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

Case No. : WP(C)/1202/2023

SHIVA NATH DEKA AND 11 ORS
ASSTT. TEACHER OF RUPAHI H.S. SCHOOL, RUPAHI,
SON OF LATE BHABENDRA NATH DEKA,
RESIDENT OF VILLAGE- TAKURAKUCHI,
P.O.- BETBARI, DISTRICT- BAKSA,
ASSAM, PIN- 781327.

2: NILAMANI KALITA
ASSTT. TEACHER OF SALBARI H.S. SCHOOL
SALBARI

SON OF LATE ARUN KALITA

RESIDENT OF VILLAGE- PRAGTI NAGAR

PATHSALA
WARD NO. 04

P.O.- PATHSALA

DISTRICT- BARPETA
ASSAM

PIN- 781325.

3: BHABESH BARMAN
ASSTT. TEACHER OF SUNDARPUR HIGH SCHOOL

SON OF LATE SATYA BARMAN

RESIDENT OF VILLAGE- JARTALUK

P.O.- NUCHALAMARI

DISTRICT- BAKSA
ASSAM

PIN- 781349.

4: MUKESH BASUMATARY
SUBJECT TEACHER OF SALBARI H.S. SCHOOL

SON OF DHIRENDRA NATH BASUMATARY

RESIDENT OF VILLAGE- RUPAHI

P.O.- RUPAHI
DISTRICT- BAKSA

ASSAM
PIN- 781318.

5: MOJAMMAL HOQUE
ASSTT. TEACHER OF KOKLABARI GIRLS HSS
SON OF JOWAHAR ALI AHMED

RESIDENT OF VILLAGE- DHUMARPATHAR

P.O.- CHENGLIMARI

DISTRICT- BARPETA
ASSAM

PIN- 781318.

6: DULUMANI BARMAN
ASSTT. TEACHER OF K.B.R.H.S. SCHOOL

SON OF BIPIN CH. BARMAN

RESIDENT OF VILLAGE- BUNBARI

P.O.- BUNBARI

DISTRICT- BAKSA
ASSAM

PIN- 781372.

7: DILIP KALITA
ASSTT. TEACHER OF KADAMTOLA H.S.
SON OF LATE N.R. KALITA

RESIDENT OF VILLAGE- ALAGJAR

P.O.- BARAMA
DISTRICT- BAKSA

ASSAM
PIN- 781346.

8: RAJU BARMAN
ASSTT. TEACHER OF MILAN HIGH SCHOOL

SON OF LATE RAJAT BARMAN

RESIDENT OF VILLAGE- MURKUCHIAPARA

P.O.- BANGALIPARA
P.S- BARAMA

DISTRICT- BAKSA
ASSAM

PIN- 781333.

9: TANKESWAR DAS
ASSTT. TEACHER OF ANCHALI H.S. SCHOOL

SON OF LATE MAHENDRA NATH DAS

RESIDENT OF VILLAGE- ANCHALI

P.O.- ANCHALI
P.S.- SIMLA

DISTRICT- BAKSA
ASSAM

PIN- 781327.

10: KANTESWAR DEKA
ASSTT. TEACHER OF MUSHALPUR H.S.S.
SON OF LATE BALO RAM DEKA

RESIDENT OF VILLAGE- BELGURI PATHAR

P.O.- MUSHALPUR
DISTRICT- BAKSA (BTR)

ASSAM
PIN- 781372.

11: SANJOY KUMAR TALUKDAR
ASSTT. TEACHER OF BHAWANIPUR H.S.S.
SON OF DHIREN TALUKDAR
RESIDENT OF VILLAGE- SARUPETA
DISTRICT- BARPETA
ASSAM,
PIN- 781352.

12: BIREN RABHA
ASSTT. TEACHER OF NAOKATA H.S.S.
SON OF RAJEN RABHA
RESIDENT OF VILLAGE- BARIGAON
P.O.- CHENIGAON
P.S.- GORESWAR
DISTRICT- BAKSA
ASSAM,
PIN- 781364

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
EDUCATION (SECONDARY) DEPARTMENT,
DISPUR, GUWAHATI- 781006

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019.

3:THE DIRECTOR OF EDUCATION
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
DISTRICT- KOKRAJHAR
ASSAM
PIN- 788819.

4:THE INSPECTOR OF SCHOOLS
UDALGURI DISTRICT CIRCLE
UDALGURI
DISTRICT- UDALGURI
ASSAM PIN- 781104.

5:THE INSPECTOR OF SCHOOLS
BARPETA DISTRICT CIRCLE
BARPETA
DISTRICT- BARPETA
ASSAM
PIN- 781315.

6:THE INSPECTOR OF SCHOOLS
BAKSA DISTRICT CIRCLE
MUSHALPUR
P.O. AND DIST.- MUSHALPUR
ASSAM
PIN- 781373

Advocate for the Petitioner : MR. S Ali

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : **10.03.2023**

Heard Mr. S. Ali, 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 and 5. I have also heard Mr. B. Choudhury, the learned Standing counsel appearing on behalf of the respondent Nos. 3 and 4.

2. The learned counsel appearing on behalf of the respondent Nos. 3 and 4 has submitted that the Inspector of Schools, Baksa, District Circle Mushalpur in the District of Baksa is also a necessary party to the instant proceedings inasmuch as most of the representations have been submitted to the Inspector of Schools, Baksa.

3. Taking into account the said submission, this Court is also of the opinion that the Inspector of Schools, Baksa, District Circle Mushalpur in the District of Baksa, Assam is required to be made a party to the instant proceedings and accordingly, the said Inspector of Schools, Baksa, District Circle Mushalpur in the District of Baksa is arrayed as the respondent No.6 in the instant writ proceedings.

4. The Registry shall make the necessary correction to the records accordingly.

5. Mr. B. Choudhury, the learned Standing counsel appears on behalf of the newly impleaded respondent No.6 also.

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

7. 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 29.07.2021 passed in WP(C) No.3384/2021.

8. Taking into account the directions passed in the order dated 29.07.2021 in WP(C) No.3384/2021 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. 4, 5 and 6 herein.

9. 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.

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

JUDGE

Comparing Assistant