

GAHC010051292023



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

Case No. : WP(C)/1698/2023

CHANDAN DAIMARY AND 13 ORS
S/O- LATE MAHENDRA DAIMARY,
RESIDENT OF VILL- GERUA,
P.O.- GERUA BAZAR, P.S.- TANGLA,
IN THE DISTRICT OF UDALGURI, ASSAM, PIN- 784514.

2: DEBASISH BASUMATARI
S/O- LATE MADAN CH. BASUMATARI

RESIDENT OF VILL.- PURANI GORAIBARI

P.O.- UDALGURI
P.S.- UDALGURI

IN THE DISTRICT OF UDALGURI
ASSAM
PIN- 784509.

3: RANJIT BORO
S/O- LATE SASTI RAM BORO

RESIDENT OF VILL.- BAGARIBARI (DOULCHUBA)

P.O. AND P.S. BHERGAON
IN THE DISTRICT OF UDALGURI
ASSAM
PIN- 784522.

4: BHABENDRA BARO
S/O- LATE KALICHARAN BARO

RESIDENT OF VILL. AND P.O.- BAKUA
P.S.- SIMLA
IN THE DISTRICT OF BAKSA

ASSAM
PIN- 781327.

5: HARESWAR BARMAN
S/O- UPENDRA BARMAN

RESIDENT OF VILL. AND P.O.- BARKHOPA
P.S. TAMULPUR

IN THE DISTRICT OF BAKSA
ASSAM
PIN- 781367.

6: JAYANTI BRAHMA
W/O- KARUNA BARO
RESIDENT OF VILL.- NO. 1 KAKLABARI (CHENGLIMARI)
P.O.- KAKLABARI
P.S.- SIMLA
IN THE DISTRICT OF BAKSA
ASSAM
PIN- 781330.

7: MITRALAL DEV CHETRY
S/O- LATE NOR BAHADUR CHETRY

RESIDENT OF VILL- GANESHPUR
P.O.- NAGRIJULI
P.S. TAMULPUR
IN THE DISTRICT OF BAKSA
ASSAM
PIN- 781368.

8: SAMIR SAHA
S/O- SUJAN KRISHNA SAHA

RESIDENT OF VILL- BASUGAON MAIN ROAD
WARD NO. 4
P.O. AND P.S.- BASUGAON
IN THE DISTRICT OF CHIRANG
ASSAM
PIN- 783372.

9: NIKLESH DAS
S/O- LATE NRIPENDRA DAS

RESIDENT OF VILL- BASUGAON (SUBHASH NAGAR)
WARD NO. 1
P.O. AND P.S.- BASUGAON

IN THE DISTRICT OF CHIRANG
ASSAM
PIN- 783372.

10: AMULYA KR. DAS
S/O- LATE DHANO RAM DAS

RESIDENT OF VILL- DAKHIN AHOPA
P.O.- CHARAIMARI
P.S.- MUSHALPUR
IN THE DISTRICT OF BAKSA
ASSAM
PIN- 781377.

11: JIBAN CH. CHOUDHURY
S/O- LATE BALARAM CHOUDHURY
RESIDENT OF VILL.- ABHIYABARI
P.O.- LATIBARI
P.S.- MUSHALPUR
IN THE DISTRICT OF BAKSA
ASSAM
PIN- 781368.

12: DWIPEN BARO
S/O- LATE SAIMA RAM BARO

RESIDENT OF VILL- DUBAGAON
P.O.- GOLAGAON
P.S.- SIMLA
IN THE DISTRICT OF BAKSA
ASSAM
PIN- 781327.

13: SANJIT KR. BRAHMA
S/O- LATE BOLODEV BRAHMA
RESIDENT OF VILL.- BIKRAMPUR
P.O.- BENGTOLE
P.S.- RANIKHATA
IN THE DISTRICT OF CHIRANG
ASSAM
PIN- 783394.

14: SUBHADRA SAHA
W/O- NUTAN KR. SAHA

RESIDENT OF VILL.- WARD NO. 9
NEAR POLICE STATION
KOKRAJHAR

P.O AND P.S AND DIST.- KOKRAJHAR
ASSAM
PIN- 783370

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
SECONDARY EDUCATION DEPARTMENT,
DISPUR, GUWAHATI, PIN- 781006.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
IN THE DISTRICT OF KAMRUP(M)
ASSAM

PIN- 781019.

3:THE DIRECTOR OF EDUCATION
B.T.C.
KOKRAJHAR
B.T.R.
ASSAM

PIN- 783370.

4:THE INSPECTOR OF SCHOOLS
KOKRAJHAR
DISTRICT- KOKRAJHAR
ASSAM

PIN- 783370.

5:THE INSPECTOR OF SCHOOLS
CHIRANG
DISTRICT- CHIRANG
ASSAM

PIN- 783390.

6:THE INSPECTOR OF SCHOOLS
BAKSA
DISTRICT- BAKSA
ASSAM

PIN- 781343.

7:THE INSPECTOR OF SCHOOLS
UDALGURI
DISTRICT- UDALGURI
ASSAM

PIN- 784509

Advocate for the Petitioner : MR. M KALITA

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 24.03.2023

Heard Mr. M. Kalita, learned counsel for the petitioners. Also heard Mr. N. J. Khataniar, learned standing counsel for the respondent Nos. 1 & 2 and Mr. B. Choudhury, the learned Standing counsel for the respondent Nos. 3, 4, 5, 6 & 7.

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 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.

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. 4, 5, 6 and 7 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