

GAHC010061722023



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

Case No. : WP(C)/1656/2023

NAYANMANI DEKA
S/O- SRI DEBENDRA NATH DEKA,
R/O- NEELAM PATH, HOUSE NO. 2,
HATIGARH CHARIALI, P.S.- GEETANAGAR,
GUWAHATI, DIST.- KAMRUP(M),
ASSAM.

VERSUS

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

2:THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM
HIGHER EDUCATION (TECHNICAL) DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM
HIGHER EDUCATION (TECHNICAL) DEPARTMENT
DISPUR
GUWAHATI- 781006.

4:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
HIGHER EDUCATION (TECHNICAL) DEPARTMENT
GUWAHATI- 781006.

5:THE DIRECTOR OF TECHNICAL EDUCATION
ASSAM
KAHILIPARA

GUWAHATI- 781019

Advocate for the Petitioner : MR. H N SARMA

Advocate for the Respondent : SC, HIGHER EDU

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

24.03.2023

Heard Mr. H N Sarma, learned counsel for the petitioner and Mr. K Gogoi, learned Standing counsel, Higher Education Department, Assam for the respondent Nos. 1 to 5.

2. The State Government in the then Education (CTM) Department vide Notification No. TEC.176/95/22-A dated 20.11.1995 appointed the petitioner as a Lecturer in Instrumentation Technology in the Scale of Pay of Rs. 2275/- –Rs. 4450/- per month with special pay of Rs. 100/- per month and other allowances as admissible under the Rules appointing him temporarily and until further orders for a period of four months under Regulation 3 (f) of the Assam Public Service Commission (Limitation & Functions) Regulations 1951 and posted him in Prince of Wales Institute (POWI), Jorhat w.e.f. the date of taking over charge by him.

3. By a subsequent Notification issued by the State Government in the Education (CTM) Department vide No. TEC.78/98/278 dated 21.02.2004, the services of the petitioner along with 17 others were regularized w.e.f. 12.02.2004 i.e., the date of approval given by the Government of Assam in its Cabinet.

4. The State Government in the Education (Higher & Technical) Department vide an Office Memorandum No. TEC.42/95/pt/12 dated 20.05.2004 while adopting the All India Council for Technical Education recommendations regarding recruitment of Lecturer/Career Advancement Scheme in the Government Polytechnics in Assam, amongst others, provided a provision for Lecturer in Senior Scale that stipulates as follows–

“F. Lecturer (Senior Scale)

A lecturer will be eligible for placement as lecturer (senior scale through a process of selection if he/she has

- (i) completed 6 years of service after regular appointment as a lecturer, with relaxation of 2 years for those with Ph.D and one year for those with M.Phil/ME/M.Tech.*
- (ii) participated in one orientation course/induction training and one refreshed course or industrial training of aggregate duration of 8 weeks, or has undertaken other appropriate continuing education or training programme of comparable quality and duration as may be specified or approved by AICTE. Those with Ph.D degree would be exempted from these course training requirements”*

5. Petitioner submitted that though he obtained the requisite eligibility of attending various regular courses for his Career Advancement Scheme and also for Lecturer in the Senior Scale, till date he has not been conferred such Senior Scale in spite of his approach to the authorities concerned.

6. Being aggrieved, the petitioner has preferred this writ petition.

7. After hearing the learned counsels for the parties and considering the entire aspect of the matter, this writ petition is disposed of at the motion stage itself, directing the petitioner to submit a representation along with all the relevant self attested documents and testimonials, a copy of this writ petition including the Annexures appended thereto along with his address, Mobile Number, E-mail Address, etc, before the Commissioner & Secretary to the Government of Assam, Higher Education (Technical) Department, towards redressal of his grievances for non-receipt of said Lecturer in Senior Scale in spite of having the requisite eligibility.

8. Such representation shall be submitted by the petitioner before the Commissioner & Secretary to the Government of Assam, Higher Education (Technical) Department forthwith along with the certified copy of this order, obtaining necessary acknowledgment from the said authority in that regard.

9. In the event of filing such representation by the petitioner as directed above,

the Commissioner & Secretary to the Government of Assam, Higher Education (Technical) Department shall consider the prayer of the petitioner for payment of the Lecturer Senior Scale to him in accordance with law and as per his entitlement following the relevant Rules, if there is no other impediment in paying such benefit to him, within a period of 60 days from the date of receipt of said representation from the petitioner, intimating him about the outcome of the same.

10. With the above observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant