

GAHC010077972020



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

Case No. : WP(C)/2495/2020

MONORAMA SARMA
W/O- DR RATUL SARMA, RETIRED SUBJECT TEACHER, CHEMISTRY,
RAJDHAR BORA H S SCHOOL, AZRA, R/O- H NO. 19, B/L-5, NAMGHAR
UPAPATH VIDYAMANDIR PATH, P.O AND P.S- BASISTHA, GUWAHATI,
KAMRUP(M), ASSAM, PIN- 781029

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
SECONDARY EDUCATION, DEPTT, ASSAM CIVIL SECRETARIAT, DISPUR,
GUWAHATI- 06

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

3:THE INSPECTOR OF SCHOOLS
KAMRUP DISTRICT CIRCLE
PANBAZAR
GUWAHATI
ASSAM
PIN- 781001

4:THE PRINCIPAL
RAJDHAR BORA H S SCHOOL
AZRA
GUWAHATI
ASSAM

PIN- 781017

5:NATIONAL COUNCIL FOR TEACHER EDUCATION
EASTERN REGIONAL COMMITTEE
ORISSA

Advocate for the Petitioner : MR. A K DUTTA

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

24.05.2023

Heard Mr. B. Purkayastha, the learned counsel for the petitioner and Ms. D. Mushahary, the learned counsel appearing on behalf of the respondent Nos.1 to 4 as well as Mr. I. Alam, the learned counsel appearing on behalf of the respondent No.5.

2. The case of the petitioner herein is that the petitioner is entitled to an advance increment in terms with the communication issued by the Joint Director of Secondary Education Department dated 21.07.2016 in as much as the petitioner fulfills the conditions mentioned therein. It is relevant to take note of that as per the communication dated 21.07.2016, the conditions mentioned for being eligible to get one advance increment for acquiring B.Ed. degree are that the petitioner had joined the service before 03.07.2012 and the petitioner has to obtain B.Ed. degree from a UGC recognized University and NCTE approved B.Ed. College. It is the further case of the petitioner that as the petitioner has the B.Ed. degree from IGNOU through distance learning, the Director of Secondary

Education vide the order dated 20.02.2020 refused to grant the benefit of one advance increment to the petitioner.

3. Being aggrieved, the petitioner has therefore approached this Court under Article 226 of the Constitution. It is relevant to take note of that the respondent No.5, i.e. the National Council for Teachers Education (NCTE) had filed an affidavit on 08.06.2021 wherein in paragraph Nos.3 & 5 of the said affidavit, it has been categorically mentioned that the B.Ed. Degree obtained by the petitioner from IGNOU is a valid decree and it was recognized by the NCTE through the order dated 28.05.1999 for conducting B.Ed. (distance education) for two years commencing from 19.09.2000. It has also been mentioned that the petitioner passed the B.Ed. degree on 25.02.2014 from IGNOU through distance mode is a valid degree recognized by the NCTE on 28.05.1999 prior to her B.Ed. degree obtained on 25.02.2014.

4. Under such circumstances, this Court is of the opinion that as the NCTE have duly recognized that the B.Ed. degree obtained by the petitioner as a valid degree, it would meet the condition No.2 in terms with the communication dated 21.07.2016. However, as regards to whether the petitioner had joined the service before 03.07.2012 is a matter to be verified at the level of the Inspector of Schools, i.e. the respondent No.3.

5. Accordingly, the petitioner, therefore, is directed to submit a representation before the respondent No.3 along with a copy of the instant order and the respondent No.3 shall verify as to whether the petitioner joined the service prior to 03.07.2012. On the basis of such verification so conducted, if the petitioner is found entitled, the

respondent authorities shall grant the petitioner the advance increment within the period of three months from the date of submission of the representation.

6. It is further relevant to take note of that in view of the specific stand taken by the NCTE in its affidavit, the impugned order dated 20.02.2020 stands set aside and quashed.

7. With the above observation and direction, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant