

GAHC010087282023



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

Case No. : WP(C)/2219/2023

JYOTSNA BORO AND 4 ORS
W/O USPA RAM BORO
ASSISTANT TEACHER , BEZBHAGATI H.S., VILL- HATIBANDHA, P.O.
MOUGAON
DIST. UDALGURI, ASSAM
PIN-784528

2: LATUMONI BORO
WO BIRESWAR BORO
ASSISTANT TEACHER
DHUPGURI HIGH SCHOOL
VILL AND P.O. DHUPGURI
DIST. UDALGURI
ASSAM
PIN-784528

3: HANNA D.T. SUNI MOCHAHARI
W/O TRIDIB SUNI MOCHAHARY
ASSISTANT TEACHER
HARISINGA H.S.S.
VILL AND P.O. BENGBARI
DIST. UDALGURI
ASSAM
PIN-784523

4: DHANANJAY DEKA
S/O LATE UMESH CHANDRA DEKA
ASSISTANT TEACHER

PANERI H.S. SCHOOL

VILL-UTTAR GEJERKUCHI
P.O. PANERI
DIST. UDALGURI

ASSAM
PIN-784523

5: BHABEN SAIKIA
S/O LATE HARICHANDRA SAIKIA
ASSISTANT TEACHER

DALONGHAT H.S.S.
VILL- DALOIPARA
P.O. DALONGHAT
DIST. UDALGURI
ASSAM
PIN-78452

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY ITS COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION (SECONDARY) DEPARTMENT, DISPUR, GUWAHATI-781006

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE DIRECTOR OF EDUCATION

BODOLAND TERRITORIAL AUTONOMOUS COUNCIL

KOKRAJHAR
PIN-788819

DIST. KOKRAJHAR
ASSAM

4:THE INSPECTOR OF SCHOOLS

UDALGURI DISTRICT CIRCLE
UDALGURI

DIST. UDALGURI
ASSAM
PIN-78110

Advocate for the Petitioner : MR. S Ali

Advocate for the Respondent : SC, SEC. EDU.

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 28.04.2023

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 and 2. I have also heard Mr. R. K. Mushahary, the learned Standing counsel appearing on behalf of the respondent Nos. 3 and 4.

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

4. 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 No. 4.

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