

GAHC010135352023



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

Case No. : WP(C)/3695/2023

KABITA NATH AND 6 ORS
W/O- BIJAY CHOUDHURY, ASSISTANT TEACHER, BETNA HIGH SCHOOL,
VILLAGE AND P.O. BETNA, DIST.- BAKSA, ASSAM, PIN- 781366

2: BANESWAR NARZARY
S/O- LATE RAJENDRA NARZARY
ASSISTANT TEACHER
CHACHAPANI H.S. SCHOOL
VILLAGE- SASHIPUR
P.O. DARRANGAMELA
DIST.- BAKSA
ASSAM
PIN-781360

3: PRAKHANNA BRAHMA
S/O- AKHIL BRAHMA
ASSISTANT TEACHER
NIKASHI HIGH SCHOOL
VILL- WEST BANGNABARI
P.O. MUSHALPUR
DIST.- BAKSA
ASSAM
PIN- 781372

4: JITESH BISWAS
S/O- LT. SATYA RANJAN BISWAS
ASSISTANT TEACHER
SINGIMARI HIGH SCHOOL
P.O. KERPABHITHA
PIN- 781366
DIST.- BAKSA
ASSAM

5: DIPANJALI ROY

W/O- BIKASH ROY
ASSISTANT TEACHER
BIJNI BANDHAB H.S. SCHOOL
BIJNI
DIST.- CHIRANG
ASSAM
PIN- 783390

6: KRISHNA SHARMA
S/O- KAMAL NATH SHARMA
ASSISTANT TEACHER
RUNIKHATA H.S. VILLAGE AND P.O. RUNIKHATA
DIST.- CHIRANG
ASSAM
PIN- 783375

7: MOHAN KR. CHETRY
S/O- DAMBAR BAHADUR CHETRY
ASSISTANT TEACHER
BALLAMGURI H.S. VILLAGE- BATABARI
P.O. LADANGURI
DIST.- CHIRANG
ASSAM
PIN- 78339

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY ITS COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION (SECONDARY) DEPTT., DISPUR, GUWAHATI- 781006

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

3:THE DIRECTOR OF EDUCATION
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
DIST.- KOKRAJHAR
ASSAM
PIN- 783370

4:THE INSPECTOR OF SCHOOLS
BAKSA DISTRICT CIRCLE
MUSHALPUR
DIST.- BAKSA
ASSAM

PIN- 781372

5:THE INSPECTOR OF SCHOOLS
CHIRANG DISTRICT CIRCLE
KAJALGAON
DIST.- CHIRANG
ASSAM
PIN- 78339

Advocate for the Petitioner : MR. S Ali

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : **26.06.2023**

Heard Mr. S. Ali, the learned counsel appearing on behalf of the petitioners and Mr. P. N. Sharma, 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, 4 and 5.

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/Subject 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 Nos. 4 and 5 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