

GAHC010159512023



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

Case No. : WP(C)/4131/2023

BIKASH RANJAN TAHBILDAR
S/O- SRI BIRENDRA NATH TAHBILDAR, RESIDENT OF KUNDIL NAGAR,
BASISTHA CHARIALI, P.O. BASISTHA, GUWAHATI- 29

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM, DEPARTMENT OF HIGHER EDUCATION, DISPUR, GUWAHATI-06

2:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GHY-1

Advocate for the Petitioner : MRS. R DEVI

Advocate for the Respondent : SC, HIGHER EDU

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

28.07.2023.

Heard Ms. R. Devi, learned counsel for the petitioner. Also heard Mr. S. Das, learned standing counsel for the Higher Education Department, Assam, appearing for the respondents.

The petitioner was regularized as Assistant Professor in Anthropology by the order dated 31.07.2019, issued by the Director of Higher Education, Assam and his pay was fixed at Rs.21,600/-. The order contains certain terms and conditions and amongst those, it was also specified that the incumbent concerned will be required to qualify NET/SLET/Ph. D, within two years otherwise his service will be discontinued and till then he will be entitled to get fixed (basic) pay as prescribed only from the date of joining subsequent to the order.

The Deputy Secretary to the Government of Assam, Education (Higher) Department, by a communication dated 11.01.2010, addressed to the Director of Higher Education, Assam, approved the appointment of candidates as Lecturers provided the incumbents have cleared M. Phil Degree prior to 07.10.2009.

It is the case of the petitioner that the petitioner had obtained his M. Phil Degree in the year 2007, prior to the cutoff date of 07.10.2009. The present writ petition is concerning payment of UGC Scale Pay to the petitioner, on the ground that with regard to similarly situated candidates, the State respondents have been granting UGC Scale of Pay.

The attention of this Court has been drawn to the order dated 17.08.2009, issued by the Director of Higher Education, Assam, in respect of Sri Khirod Gogoi, Lecturer in the Department of Sociology of Dhemaji College in Dhemaji District, whereby he has been allowed the regular UGC Scale of Pay, by withdrawing the order dated 13.11.2001, which specified for clearing of NET/SLET.

It is therefore submitted that maintaining parity, the petitioner is also entitled to similar consideration by the Director of Higher Education, Assam and thereafter, pass a reasoned order on the entitlement of the petitioner for an appropriate scale of pay, in the facts and circumstances of the case.

Accordingly, on consensus, this Writ Petition is disposed of directing the Director of Higher Education, Assam to consider the claim of the petitioner for regular scale of pay, after verification of records and in accordance with law. Thereafter, the Director of Higher Education, Assam shall pass a reasoned order, within a period of two months from the date of receipt of a certified copy of this order.

With the above observations and directions, this Writ Petition stands disposed of.

JUDGE

Comparing Assistant