

GAHC010238362023



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

Case No. : WP(C)/6167/2023

CHENIMAI SAIKIA AND 5 ORS.

W/O GUNA RAM DUTTA R/O VILL .BONGAL CHUK P.O. BONGAL CHUK
DIST. LAKHIMPUR ASSAM

2: TUTUMONI SAIKIA

W/O SADANANDA SAIKIA R/O VIL. NIZARAPAR P.O. SAGARPUR DIST.
LAKHIMPUR ASSAM

3: BIBHA DEURI

W/O NABAJIT DEORI R/O 2 NO. PACHIM LALUK P.O. LALUK DIST.
LAKHIMPUR ASSAM

4: BINA SAIKIA

W/O BOLIN BORAH R/O BIHPURIA NO. 3 WARD NO 3 P.O. BIHPURIA DIST.
LAKHIMPUR

5: REKHAMONI SAIKIA GOWALA

W/O HIRALAL GOWALA R/O VILL. AHOMKATA P.O. POKADUL GAHDHIA
P.S BIHPURIA DIST. LAKHIMPUR ASSAM

6: RUPA GOGOI

W/O LT. THIGIAM GOGOI R/O PUKURIPAIRA P.O. AND P.S LALUK DIST.
LAKHIMPUR ASSA

VERSUS

THE STATE OF ASSAM AND ORS.

REP BY THE SECRETARY TO THE GOVT OF ASSAM DEPTT OF SCHOOL
EDUCATION ELEMENTARY DISPUR GUWAHATI 781006

2:THE COMMISSIONER AND SECRETARY

TO THE GOVT OF ASSAM FINANCE DEPTT. DISPUR GUWAHATI 6

3:THE ACCOUNTANT GENERAL (A AND E) ASSAM

MAIDAMGAON BELTOLA GUWAHATI 781029

4:THE DIRECTOR OF ELEMENTARY EDUCATION ASSAM
KAHILIPARA GUWAHTI 781019

5:THE DISTRICT ELEMETARY EDUCATION OFFICER
LAKHIMPUR
P.O. AND DIST. LAKHIMPUR ASSAM PIN 787001

6:THE DEPUTY INSPECTOR OF SCHOOL
LAKHIMPUR
P.O AND DIST. LAKHIMPUR ASSAM PIN 787001

7:THE BLOCK ELEMENTARY EDUCATION OFFICER
BIHPURIA P.O. BIHPURIA DIST. LAKHIMPUR ASSAM PIN784161
P.O. BIHPURIA DIST. LAKHIMPUR ASSAM PIN78416

Advocate for the Petitioner : MR. S ISLAM

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

30.11.2023

Heard Mr. S. Islam, learned counsel for the petitioners. Also heard Mr. N.J. Khataniar, learned Standing Counsel, Elementary Education Department for the respondent nos. 1, 4, 5, 6 & 7, Mr. R. Dhar, learned Government Advocate, for the respondent no.2 and Mr. M. Ahmed, learned Standing Counsel, Accountant General (A&E) for the respondent no.3.

It is submitted that the issues involved in this writ petition are akin to the issues which were decided by a Co-ordinate Bench of this Court in WP(C)

No.6414/2023 by the judgment and order dated 22.11.2023. The said judgment and order dated 22.11.2023 is quoted herein below:

“2. All the petitioners herein were appointed as stipendiary teachers by various appointment orders of the year 2001 and have taken a stand that although there was a condition in the order of appointment that they would have to undergo a junior basic training course and thereafter would be paid a regular scale of pay, but the circumstances were such, the respondent authorities had not facilitated the petitioners to undergo any such training course. Accordingly, a claim is made that the petitioners are entitled to a regular pension and also entitled to the benefit of GPF.

3. The said issue has already been decided by this Court in its judgment dated 31.03.2023 in WP(C)No.5843/2022 and other writ petitions wherein in paragraph 34 it has been provided as extracted:

“34. In view of the above reasons, this Court, therefore, holds that the petitioners herein would be entitled to pension in terms with the Rules of 1969 and would further be entitled to subscribe to GPF. The petitioners in respect to present category which also be entitled to all other pensionary benefits as admissible to the Government employees of equal rank who are regulated in terms with the Rules of 1969.”

4. As the entitlement of a stipendiary teacher for pension and GPF had already been decided, we accordingly follow the said proposition and direct the respondent authorities to provide the petitioners with their respective GPF numbers which in fact is the relief sought for in the present writ petition.

5. The above requirement be done within a period of one month from the date of receipt of the certified copy of this order.

6. It is made clear that we are not deciding any other aspect of this writ petition other than what is provided hereinabove.”

Learned counsel for the petitioners further submits that similar kind of issues have already been decided by this Court in its judgment dated

31.03.2023 in WP(C) No.5843/2022.

Mr. N.J. Khataniar, learned Standing Counsel, Elementary Education Department does not object to the submissions made by the learned counsel for the petitioner.

Upon perusal of the judgment and order dated 22.11.2023 and 31.03.2023 it is seen that the issues raised in the present writ petition stand squarely covered by the judgment and order dated 22.11.2023 passed in WP(C) No.6414/2023 as well as issues which were decided in WP(C) No.5843/2022 on 31.03.2023 and other connected writ petitions. As such, this Court is of the considered view that the issues in the writ petition too will be covered by the judgment and order dated 22.11.2023 passed in WP(C) No.6414/2023 as well as WP(C) No.5843/2022 on 31.03.2023 and other connected writ petitions.

Accordingly, the writ petition stands disposed of.

The claims of the petitioners will be addressed in terms of the finding contained in the judgment and order dated 22.11.2023 passed in WP(C) No.6414/2023.

JUDGE

Comparing Assistant