

GAHC010251222023



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

Case No. : WP(C)/6536/2023

DIPTI BORA
W/O- BISWAJIT BHUYAN, R/O- VILL.- DIGHALIATI, P.O. AND P.S. RAHA,
DIST. NAGAON, ASSAM, PIN- 782103.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPARTMENT
OF SCHOOL EDUCATION, GOVT. OF ASSAM, DISPUR, GUWAHATI-06.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06.

3:THE DIRECTOR OF SECONDARY EDUCATION
KAHILIPARA
GUWAHATI-19.

4:THE INSPECTOR OF SCHOOL
MORIGAON DISTRICT CIRCLE
MORIGAON
PIN- 782105

Advocate for the Petitioner : MR. P MAHANTA

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA

15.11.2023

Heard Ms. P. Saharia, learned counsel for the petitioner, who submits that in terms of the letter No.GB-EST/B.Ed. increment/1/2016/41 dated 21.07.2016 addressed to the Inspector of Schools by the Joint Director of Secondary Education, Assam, all Assistant Teachers are eligible to get one advance increment for acquiring B.Ed. degree, provided he/she has joined before 03.07.2012 and obtained B.Ed. degree from a UGC recognized University and NCTE approved B.Ed. College.

2. The petitioner's counsel submits that the petitioner was appointed as Assistant Teacher in the year 1993 in Morigaon Town High School by the respondent No.3 and in the year 1996, she was transferred to Jagichaki High School in Morigaon district. The petitioner successfully completed her B.Ed. course in the year 2019 from Govt. Sikshan Mahavidyalaya, Nagaon, on being deputed by the respondent No.3 to undergo the said B.Ed. course, vide order dated 30.05.2017.

3. The petitioner's counsel submits that the petitioner is entitled to one advance increment for acquiring the B.Ed. degree in terms of the aforementioned letter dated 21.07.2016. She also submits that the present writ petition can be disposed of, if a direction is issued to the Director of Secondary Education, to verify the claim of the petitioner as to whether she has obtained B.Ed. degree from a U.G.C. recognized University. If the claim of the petitioner is found to be correct, the respondent should be directed to grant one advance increment. In this respect, the learned counsel for the petitioner submits that a

similar case, i.e. WP(C) 6607/2021, has been disposed of by this Court, vide order dated 02.08.2022, directing the Director of Secondary Education to verify the claim of the petitioners therein and if the claim of the petitioners was found to be correct, the petitioners were to be given one advance increment. She, accordingly, prays for a similar order.

4. Mr. N.J. Khataniar, learned Standing Counsel, Education Department representing the respondent Nos.1, 3 & 4 and Mr. P. Nayak, learned Standing Counsel, Finance Department, representing the respondent No.2 submit that they have no objection to the prayer made by the petitioner's counsel.

5. In view of the consent of the parties, the present writ petition is disposed of with a direction to the Director of Secondary Education, to verify the claim of the petitioner, as to whether she has obtained B.Ed. degree from a U.G.C. recognized University and NCTE approved B.Ed. College, after joining her service subsequent to 03.07.2012. If the Director comes to a finding that the petitioner has acquired B.Ed. degree from a UGC recognized University and NCTE approved B.Ed. College, the petitioner should be given one advance increment in terms of the letter dated 21.07.2016 issued by the Joint Director of Secondary Education, Assam. The entire exercise should be undertaken by the respondents within a period of 2(two) months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant