

GAHC010263772023



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

Case No. : WP(C)/6808/2023

PARSU RAM BORO AND 5 ORS.

S/O- LATE GOBINDA BORO, ASSISTANT TEACHER, BEZBHAGATI HIGH SCHOOL, VILL.- BEZBHAGATI, P.O. DALONGGHAT, DIST. UDALGURI, ASSAM, PIN- 784528.

2: BHAGESWARI SWARGIARY
W/O- SRI RAKTIM BASUMATARY
ASSISTANT TEACHER
LAILONG PARA HIGH SCHOOL
VILL.- GERUA BAZAR
P.O. GERUA
DIST. UDALGURI.

3: ANIL KUMAR NATH
S/O- LATE TUTABHI KR. NATH
ASSISTANT TEACHER
DALONGGHAT H.S.S.
VILL.- MADALIGAON
P.O. DOLANGGHAT
DIST. UDALGURI.

4: KAUSIK BARUAH
S/O- KESHAB CHANDRA BARUAH
ASSISTANT TEACHER
ORANG H.S.S.
VILL.- CHAMUAGAON
P.O. ORANG
DIST. UDALGURI.

5: NABIN LAHARI
S/O- LATE JANGA RAM BORO
ASSISTANT TEACHER
SEKHAR SANKARDEV MISSION H.S.S.
VILL.- NO. 1 UTTAR DIMAKUCHI

P.O. DIMAKUCHI
PIN- 784526
DIST. UDALGURI.

6: NIKHIL KR. DUTTA
S/O- LATE NITYADAYAL DUTTA
ASSISTANT TEACHER
PANERY H.S. SCHOOL
P.O. AND P.S. TANGLA
DIST. UDALGURI
ASSAM
PIN- 784521

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT 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- 781104

Advocate for the Petitioner : MR. S Ali

Advocate for the Respondent : SC, SEC. EDU.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

18.12.2023

Heard Mr. S. Ali, learned counsel for the petitioner. Also heard Mr. S.M.T. Chistie, learned Standing Counsel, Secondary Education Department for the respondent nos. 1 & 2 and Mr. S.R. Rabha, learned Standing Counsel, BTC, for the respondent nos. 3 & 4.

The instant writ petition is taken up for disposal at the motion stage itself.

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.

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 herein.

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. The respondents will verify the individual claims of the petitioners and only if they satisfy the requirements specified under the communication dated 21.07.2016 issued by the Joint Director, Secondary Education Department, Kahilipara to all the Inspectors of Schools specifying the conditions for grant of one advanced increment for acquiring B.Ed. Degrees. The matter be decided by the Director of Education Bodoland Territorial Autonomous Council within a period of 60 (sixty) days from the date of receipt of a certified copy of this order and any such order that is passed, copy thereof be served on the petitioners.

The writ petition stands disposed of in terms of the above.

JUDGE

Comparing Assistant