

GAHC010274842023



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

Case No. : WP(C)/7178/2023

PRANJIT SARMA AND 10 ORS
SANSKRIT TEACHER OF BARBARI NEHRU HIGH SCHOOL, S/O SRI
KISHORI SARMA, R/O VILL-MANKAR, P.O.-CHARAIMARI, P.S.-
MUSHALPUR, DIST-BAKSA, ASSAM, PIN-781377

2: KRISHNAN BASUMATARY
ASSISTANT TEACHER OF SALBARI H.S. SCHOOL
S/O LATE KALICHARAN BASUMATARY
R/O VILL-TANGABARI
P.O. AND P.S.-SALBARI
DIST-BAKSA
ASSAM
PIN-781318

3: RABIN KUMAR DAS
ASSISTANT TEACHER OF SANTIMANDIR HIGH SCHOOL
S/O LATE SADANANDA DAS
R/O VILL- GATI
P.O.-CHAMUAGATI
P.S.-SALBARI
DIST- BAKSA
ASSAM
PIN-781318

4: NANDESWAR DAS
SCIENCE TEACHER OF SUBANKHATA HIGH SCHOOL
S/O LATE BANAMALI DAS
R/O VILL-SANTIPUR
P.O.-NIZ-SANTIPUR
P.S.-BARMA
DIST-BAKSA
ASSAM
PIN-781349

5: CHATRASHAR BAISHNAB
ASSISTANT TEACHER OF CHENGLIMARI HIGH MADRASSA SCHOOL
S/O LATE BRAJENDRA BAISHNAB
R/O VILL- PUB UTHIAGURI
P.O. AND P.S.-SALBARI
DIST-BAKSA
ASSAM
PIN-781318

6: MRIGEN DAS
ASSISTANT TEACHER OF JALAH GIRLS HIGH SCHOOL
S/O LATE BHUBANESWAR DAS
R/O VILL-BHEBLA
P.O.-JALAHGHAT
P.S.-SIMLA
DIST-BAKSA
ASSAM
PIN-781327

7: ATUL KUMAR DAS
SANSKRIT TEACHER OF BAGANPARA HIGH SCHOOL
S/O PRASANTA DAS
R/O VILL-GOALBIL
P.O.-NIZ-DHAMDHAMA
P.S.-BARMA
DIST-BAKSA
ASSAM
PIN-781349

8: GIRIDHAR KALITA
SCIENCE TEACHER OF NOMATI MAUZA HIGH SCHOOL
S/O LATE PRAFULLA KALITA
R/O VILL-BARKUCHIZAR
P.O.-MURMELA
P.S.-BARMA
DIST-BAKSA
ASSAM
PIN-781346

9: BABEN KUMAR DAS
ASSISTANT TEACHER OF BAPUJI HIGH SCHOOL
NIMUA
S/O LATE DEBENDRA DAS
R/O VILL-PARABHARAL
P.O.-HOWLY
DIST-BAKSA
ASSAM
PIN-781316

10: MD. JIAUR RAHMAN
SCIENCE TEACHER OF BAHBARI HIGH SCHOOL
S/O LATE MOFIZ UDDIN
R/O VILL-KUTHURIJHAR
P.O.-KALPANI BAZAR
DIST-BAKSA
ASSAM
PIN-781315

11: ALAUDDIN ALI
ASSISTANT TEACHER OF THOMNA BINAPANI HIGH SCHOOL
S/O LATE HUSSAIN ALI
R/O VILL AND P.O.-AHOPA
P.S.-MUSHALPUR
DIST-BAKSA
ASSAM
PIN-78136

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, SECONDARY EDUCATION DEPARTMENT,
DISPUR, GUWAHATI, PIN-781006

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
DIST-KAMRUP (M)
ASSAM
PIN-781019

3:THE DIRECTOR OF EDUCATION
B.T.C.
KOKRAJHAR
BTR
ASSAM
PIN-783370

4:THE INSPECTOR OF SCHOOLS
BAKSA
DIST-BAKSA
ASSAM
PIN-78134

Advocate for the Petitioner : MR. M KALITA

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HON'BLE MR. JUSTICE SOUMITRA SAIKIA
O R D E R

13.12.2023

Heard Mr. M. Kalita, learned counsel for the petitioners and Mr. N. J. Khataniar, learned Standing Counsel appearing on behalf of the Secondary Education Department.

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

The case of the petitioner herein is that the petitioners are presently serving as Sanskrit Teacher/Assistant Teachers/Science Teachers having B.Ed. Degree and therefore entitled to one advance increment which however has been denied to the petitioners.

The learned counsel for the petitioners submits that 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 has been made to the order dated 10.03.2023 passed in WP(C) No.1202/2023.

Taking into account the directions passed in the order dated 10.03.2023 in WP(C) No.1202/2023 as well as the directions issued by the Joint Director of Secondary Education Department dated 21.07.2016, this

Court is also of the view that if the petitioners have acquired the B.Ed Degree from UGC recognized universities with NCTE approved B.Ed. Colleges and joined their concerned institutions 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 No. 4 herein.

Considering the above, this Court disposes of the writ petition thereby directing the petitioners herein to submit a fresh representation to the respondent No. 4 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 universities and NCTE approved B.Ed. Colleges and have joined in their services before 03.07.2012 and upon verification, if it is found that the petitioners have the required qualifications as mentioned in the communication dated 21.07.2016, the Respondent Authorities shall take appropriate steps for granting one advance increment to the petitioners within a period of 3 (three) months from the date of submission of the representation.

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

JUDGE

Comparing Assistant