

GAHC040007782023



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

Case No. : WP(C)/272/2023

Maga Toi
S/o Lt. Maga Teri,
R/o Vill Raga, PO/PS Raga, District Kamle, Arunachal Pradesh.

VERSUS

The Commissioner/Secretary (Education) and Anr.
Govt. of Arunachal Pradesh, Itanagar 791111

2:the Director of School
Age: 0
Occupation :
Secondary Education Govt. of Arunachal Pradesh Itanagar 79111

Advocate for the Petitioner : Abhai Kumar Singh

Advocate for the Respondent : Tagum Jamoh

BEFORE
HONBLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 02-05-2024

Heard Mr. A. K. Singh, learned counsel for the petitioner along with Mr. T. Tagum, learned Standing counsel for the Education Department representing all the respondents.

2. The learned counsel for the petitioner submits that the instant writ petition

is for issuance of appropriate writ against the respondents for payment of the same allowance as that of the similarly situated person holding the same post and discharging the same duties.

3. The learned counsel for the petitioner submits that the petitioner on being appointed as Vice Principal/Headmaster on officiating basis on 15.09.2017 of Government Higher Secondary School, Raga, District Lower Subansiri now Kamle District, vide order No. SEDN/40/2012 Pt-I has been discharging his duties with outmost sincerity and dedication. However, the petitioner was not given the same incentive or placed in the same pay scale with the of the other Officials discharging the same nature of duties, thereby, depriving the petitioner of his equal right to pay. The petitioner had filed his representation before the respondents for being paid the same incentive as other similarly situated persons but till date his representation has not been considered or granted by the respondent authorities.

4. The learned counsel for the petitioner submits that a coordinate Bench of this Court had passed order in favour of the petitioners in writ petitions being WP(C)No. 435(AP)2013 dated 17.07.2015 and WP(C)37/(AP)2020 dated 02.02.2022, wherein, the facts and circumstances of the petitioners were same. The learned counsel submits that this is a covered matter and submits that a similar order may be passed as those passed in WP(C)No. 435(AP)2013 dated 17.07.2015 and WP(C)37/(AP)2020 dated 02.02.2022 in favour of the instant petitioner.

5. Mr. Tagum, learned Standing counsel, Education Department in all fairness has submitted that this is a covered matter being covered by the decisions of this Court in the other 2 (two) cases being WP(C)No. 435(AP)2013 dated 17.07.2015 and WP(C)37/(AP)2020 dated 02.02.2022 and therefore, he has no

objection to the prayer made by the petitioner.

6. Having heard the submissions made by the learned counsels for both the parties, it is seen that a coordinate Bench of this Court in its order dated 02.02.2022 passed in WP(C)No. 37(AP)2020, had directed the respondents no. 1, 2 & 3 to extend the financial benefits to the petitioners on the principle of *"equal pay for equal work"* In paragraph No. 28 of the said judgment & order, dated 17.01.2015, this Court had observed as under: *"In that view of the matter, if incentive can be given to some other persons then such incentive should be given to all the petitioners and other similarly situated persons who may not have approached this Court for various reasons, without any hassles"*. Furthermore, in paragraph No. 31 of the judgment & order, dated 17.01.2015, it has been further observed that: *"consequently, the respondent authorities are hereby directed to award the petitioners, in this case, to the other similarly situated persons, the same incentives/pay & allowances, whatsoever, as attached to the pay scale of the HM/VP as has been already provided to some other persons including Petitioner No. 7, as quoted above in the foregoing paragraphs, without fail, from the date of their respective dates of joining to the said posts of HM/VP"*. The coordinate Bench of this Court in WP(C)37(AP)2020 by referring to the judgment and order dated 17.07.2015 passed in WP(C)435(AP)2013, had allowed the writ petition and directed the respondent authorities to extend the same financial benefits to the petitioners as had been extended to the petitioners of WP(C)435(AP)2013.

7. In view of the above, this Court finds the facts of the instant writ petition and the situation under which the instant petitioner has approached this Court is similar to those of the petitioners in WP(C)No. 435(AP)2013 and WP(C)37/(AP)2020. This Court finds that this matter is a covered matter and therefore,

finds it fit to direct the respondent authorities to extend the same financial benefits to the petitioner herein, as had been extended to the petitioners in WP(C)No. 435(AP)2013 and WP(C)37/(AP)2020, from the date of his appointment as Vice Principal/Headmaster on officiating basis.

8. It is further directed that the above exercise should be carried out positively within a period of 3 (three) months from the date of receipt of a certified copy of this order.

9. The instant writ petition stands disposed of, as above.

JUDGE

Comparing Assistant