

GAHC010032442022



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

Case No. : WP(C)/1307/2022

SMTI. PRATIMA DEY (DUTTA)
W/O SRI DEBADEEP DUTTA, R/O VILL- SANKAR TEWARI ROAD, HOUSE
NO. 15, AMBICA PATTY, SILCHAR, P.S.-SILCHAR, DIST- CACHAR, ASSAM,
PIN-788004

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, ASSAM

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019
ASSAM

3:THE INSPECTOR OF SCHOOLS
CACHAR DISTRICT CIRCLE
CACHAR
PIN-788001
ASSAM

4:HEADMASTER
SHYAMA CHARAN DEV VIDYAPITH
TARAPUR
SILCHAR
ASSAM
PIN-78800

Advocate for the Petitioner : MR. A DEKA

Advocate for the Respondent : SC, SEC. EDU.

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 03.06.2024

Heard Mr. A. Deka, learned counsel for the petitioner. Also heard Ms. P. Das, learned standing counsel, Secondary Education Department for the respondent Nos. 1, 2 and 3.

The petitioner was temporarily appointed to work as Junior Hindi Teacher in SC Dev Vidyapith Higher Secondary, Silchar, Cachar in the scale pay of Rs.500/- by an order dated 25th of January, 1996 issued by the Director of Secondary Education, Assam. Thereafter by a communication dated 22nd of March, 1996, the Director of Secondary Education, Assam wrote to the Inspector of Schools, CDC, Silchar for release of salary of the petitioner. The petitioner from the date of her appointment as Junior Hindi Teacher by the order dated 25th of January, 1996 is yet to receive her salary till date. It is the case of the petitioner that the petitioner has completed 10(ten) years of continuous service without any intervention of any court's order. The learned counsel for the petitioner therefore submits that in terms of the ratio laid down by a Division Bench of this Court by order dated 8th of June, 2017 in Writ Appeal No. 45/2014 (State of Assam Vs. Upen Das & Ors.) as well as in terms of the Notification dated 8th of March, 2019 passed by the Commissioner and Secretary to the Govt. of Assam, Finance Department, the petitioner is entitled to the minimum pay scale.

Ms. P. Das, learned standing counsel, Secondary Education Department fairly submits that the petitioner is entitled to the minimum pay scale in terms of the ratio laid down in the case of Upen Das & Ors. (Supra).

After hearing the learned counsel for the parties, this writ petition is disposed of directing the petitioner to make a representation before the Secretary to the Govt. of Assam, Department of School Education/respondent No.1 by enclosing a copy of the order dated 8th of June, 2017 passed by a Division Bench of this Court in WA/45/2014, the Notification dated 8th of March, 2019 issued by the Commissioner and Secretary to the Govt. of Assam, Finance Department, a copy of the present writ petition as well as the order of this Court passed today within a period of 2(two) weeks from today. Thereafter, the respondent No.1 shall consider the case of the petitioner and pass appropriate orders for allowing the petitioner to receive the minimum pay scale within a period of 2(two) months from the date of receipt of the representation.

With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant