

GAHC010032532017



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

Case No. : WP(C)/4537/2017

CHENEHI BARMAN and 8 ORS.
ASSISTANT TEACHER OF KATHALGURI L.P. SCHOOL, NOWBOICHA
BLOCK, DIST. LAKHIMPUR, ASSAM

2: SMTI MUHINI BONIA
ASSISTANT TEACHER OF MAIDUMIA KATHALGURI L.P. SCHOOL
NOW BOICHA BLOCK
DIST. LAKHIMPUR
ASSAM

3: MISS ANUPAMA BURAGOHAIN
ASSISTANT TEACHER OF JAPISAJIA GOHAIN L.P. SCHOOL
NOWBOICHA BLOCK
DIST. LAKHIMPUR
ASSAM

4: MISS SYADA HASSINA AKTAR BEGUM
ASSISTANT TEACHER OF SARIABARI L.P. SCHOOL
NOWBOICHA BLOCK
DIST. LAKHIMPUR
ASSAM

5: SRI BAKHAR BORPATRO
ASSISTANT TEACHER OF DIGHPUKHURI L.P. SCHOOL
NOWBOICHA BLOCK
DIST. LAKHIMPUR
ASSAM

6: SMTI BABY BORA
ASSISTANT TEACHER OF NO.2 KUWNDANGA L.P. SCHOOL
NOWBOICHA BLOCK
DIST. LAKHIMPUR
ASSAM

7: SRI PRODIP SABHAPANDIT
ASSISTANT TEACHER OF NO. 253 SEAJULY L.P. SCHOOL
NOWBOICHA BLOCK
DIST. LAKHIMPUR
ASSAM

8: MD. ABDUL SIDDIQUE
ASSISTANT TEACHER OF NO.1 DIJUPATHAR L.P. SCHOOL
NOWBOICHA BLOCK
DIST. LAKHIMPUR
ASSAM

9: SMTI SONALATA GOGOI
ASSISTANT TEACHER OF KADAM HAJANG L.P. SCHOOL
NOWBOICHA BLOCK
DIST. LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM and 5 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION ELEMENTARY DEPTT., DISPUR, GUWAHATI-6

2:THE DIRECTOR OF ELEMENTARY EDUCATION ASSAM
KAHILIPARA
GUWAHATI-19
DIST. KAMRUP M
ASSAM

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
LAKHIMPUR
DIST. LAKHIMPUR
ASSAM

4:THE BLOCK ELEMENTARY EDUCATION OFFICER
NOWBOICHA BLOCK
DIST. LAKHIMPUR
ASSAM

5:THE DEPUTY INSPECTOR OF SCHOOLS
LAKHIMPUR
DIST. LAKHIMPUR
ASSAM

6:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPTT.

DISPUR
GUWAHATI-

Advocate for the Petitioner : MR.S TAI, MR.R SARMA

Advocate for the Respondent : SC, FINANCE, SC, ELEMENTARY EDUCATION,MR.B GOGOI

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

16.09.2024

Heard Shri R. Sarma, learned counsel for the petitioners. Also heard Shri P.N. Sharma, learned Standing Counsel, Elementary Education Department.

2. Considering that this writ petition is of the year 2017 and noting the instructions received by the learned Standing Counsel, this writ petition is taken up for disposal at the admission stage.

3. The petitioners who are 9 (nine) in numbers claimed to have been selected for appointment to the post of Assistant Teachers of L.P. Schools in the district of Lakhimpur. Subsequent to such selection, the petitioners were appointed as Assistant Teachers of various L.P. Schools under the Block Elementary Education Officer, Nowboicha in the district of Lakhimpur.

4. It is also averred that the services of some of the petitioners were regularised and for the others, those were adjusted against vacancies arising from retirement / expiry of the earlier incumbents. The petitioners also claimed to have undergone Assam Junior Basic Training and after completion of the same, they were allowed to draw regular time scale of pay.

5. The grievance of the petitioners were in connection with not releasing of their monthly salaries without any reasons and accordingly the writ petition was filed.

6. Shri Sarma, the learned counsel has submitted that non- payment of salaries to regularly appointed teachers who had also undergone the formalities of training subsequent to is wholly unreasonable and arbitrary. The learned counsel has however submitted that there are subsequent developments which have been intimated to him.

7. *Per contra*, Shri P.N. Sharma, the learned Standing Counsel has submitted that similarly situated persons like that of the petitioners were found to be illegally appointed at one point of time and on such detection, initially, the salaries were stopped. However, when the issues were brought before this Court in various writ petitions including WP(C)/8478/2019, this Court had passed an order dated 02.03.2021 pursuant to which a detail exercise was made to resolve the matter. After such exercise, fresh appointments were offered to those incumbents who were found to have fulfilled the eligibility criteria. It is submitted that out of the 9 (nine) petitioners in the present case, 8 (eight) petitioners except the petitioner no. 9 have already been duly accommodated as teachers and such appointments have been offered and accepted. So far as the petitioner no. 9, Smti Sonalata Gogoi is concerned, as per the written instructions and the enclosures thereto, her case was not approved by the Government for accommodation.

8. While the decision not to approve the case of the respondent no. 9 would still be open for challenge if so advised, there is no requirement for further adjudication of the writ petition so far as other petitioners are concerned.

9. In view of the above discussions, the writ petition is closed, however with liberty to the respondent no. 9 to espouse her grievance, if so advised.

10. The written instructions along with the enclosures are made part of the records.

JUDGE

Comparing Assistant