

GAHC010069972024



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

Case No. : WP(C)/1915/2024

RAKTIM BASUMATARY
ASSISTANT TEACHER (ARTS) OF ROWTA STATION HIGH SCHOOL,
S/O- LATE SABIN KUMAR BASUMATARY,
RESIDENT OF VILL- BAJRAJHAR,
P.O. AND P.S.- ROWTA,
IN THE DISTRICT OF UDALGURI, ASSAM,
PIN- 784508.

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

IN THE DISTRICT OF KAMRUP(M)

ASSAM
PIN- 781019.

3:THE DIRECTOR OF EDUCATION
B.T.C.
KOKRAJHAR
B.T.R.
ASSAM

PIN- 783370.

4:THE INSPECTOR OF SCHOOLS
UDALGURI DISTRICT CIRCLE
UDALGURI
DISTRICT- UDALGURI

ASSAM
PIN- 784509

Advocate for the Petitioner : MR. M KALITA

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 31.05.2024

- 1.** Heard Mr. J. Hatimuria, learned counsel for the petitioner.
- 2.** Also heard Mr. U. Sarma, learned standing counsel, Secondary Education Department, for respondent Nos. 1 & 2 and Mr. S. Bora, learned standing counsel, BTC, for respondent Nos. 3 & 4.
- 3.** The case of the petitioner is that he is presently serving as Assistant Teacher (Arts) at Rowta Station High School and he acquired the B.Ed. Degree from Deomornoi B.Ed. College, Deomornoi under Gauhati University in the year, 2005. Accordingly, he is entitled to one advance increment which, however, has been denied to the petitioner.
- 4.** Learned counsel for the petitioner submits that the Co-ordinate Benches of this Court have also passed orders directing for necessary verification in this

regard and for passing appropriate orders if upon verification, it has been found that the petitioner has the B.Ed. Degree in question. Learned counsel refers to the order dated 27.06.2023 passed by this Court in WP(C) No. 3724/2023.

5. Learned counsel for the petitioner has also drawn the attention of this Court to the communication dated 21st July, 2016 written by the Joint Director of Secondary Education Assam and addressed to the Inspector of Schools (All) KDC, Panbazar, wherein it is stated that the Assistant Teachers are eligible to get one advance increment for acquiring B.Ed. Degree, provided he/she has joined before 03.07.2012 and obtained B.Ed. Degree from UGC recognized university and NCTE approved B.Ed. College. It is submitted that the petitioner was initially appointed as Assistant Teacher in English on contractual basis by the School Managing Committee of Rowta Station High School on 01.03.2011.

6. Considering the above, this Court is of the opinion that if the petitioner has acquired B.Ed. Degree from the UGC recognized university and NCTE approved B.Ed. College and joined the institution before 03.07.2012, the petitioner would be entitled to one advance increment. However, the entitlement of one advance increment would be subject to a verification to be carried out in the level of the Director of Education, BTC, Kokrajhar.

7. Accordingly, this writ petition is disposed of directing the petitioner to submit a fresh representation to the respondent No. 4 / Inspector of Schools, Udalguri District Circle, Udalguri along with a certified copy of this Court's order within a period of 3 weeks from today. Thereafter, the respondent No. 4 shall make all necessary verification as to whether the petitioner has obtained B.Ed. Degree from the UGC recognized university and NCTE approved B.Ed. College

and the petitioner has joined before 03.07.2012 and after such verification, if it is found that the petitioner has the required qualification as required by the communication dated 21.07.2016, all necessary documents shall be forwarded forthwith to the respondent No. 3 / Director of Education, BTC, Kokrajhar, who shall take appropriate steps for granting one advance increment to the petitioner within a period of 4 weeks from the date of receipt of the forwarding letter from the respondent No. 4.

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

JUDGE

Comparing Assistant