

GAHC010076872022



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

Case No. : WA/155/2022

BINODINI SINGHA AND 2 ORS.

W/O- KH. BIROMANGOL SINGHA, R/O- RONGPUR PART-IV, KARATIGRAM,
P.S. SILCHAR, ASSTT. TEACHER OF DR. B C ROY MEMORIAL ACADEMY
HIGH SCHOOL, RONGPUR, SILCHAR, DIST.- CACHAR, ASSAM, PIN- 788009

2: APARNA DEY

W/O- MANIK CHANDRA DEB

R/O- PURBASHA COMPLEX

(PANCHAYAT ROAD)

SILCHAR

CACHAR

PIN- 788005 SERVING AS HINDI TEACHER IN DR. B C ROY MEMORIAL
ACADEMY HIGH SCHOOL

RONGPUR

SILCHAR

DIST.- CACHAR

ASSAM

PIN- 788009

3: YASMIN SULTANA BARBHUIYA

W/O- HABIB AHMED LASKAR

R/O- VILL AND P.O. RONGPUR

P.S. SILCHAR

DIST.- CACHAR

ASSTT. TEACHER SERVING IN DR. B C ROY MEMORIAL ACADEMY HIGH
SCHOOL

RONGPUR

SILCHAR

DIST.- CACHAR

ASSAM

PIN- 78800

VERSUS

THE STATE OF ASSAM AND 7 ORS.
REP. BY THE COMM. AND SECY., TO THE GOVT. OF ASSAM, DEPTT. OF
SECONDARY EDUCATION, DISPUR, GHY, ASSAM, PIN- 781006

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GHY-19

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

4:THE HEADMASTER
DR. B C ROY MEMORIAL ACADEMY HIGH SCHOOL
RONGPUR
SILCHAR
DIST.- CACHAR
ASSAM
PIN- 788009

5:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
DEPTT. OF FINANCE
ASSAM CIVIL SECRETARIAT
DISPUR
GHY-06

6:THE NATIONAL COUNCIL OF TEACHER EDUCATION
REP. BY ITS DIRECTOR
EASTERN REGIONAL COMMITTEE
15 NEEL KANTA NAGAR
NAYAPALLI
BHUBANESWAR
ORISSA
PIN- 751012

7:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
DEPARTMENT OF ELEMENTARY EDUCATION
ASSAM
DISPUR
GHY- 6.

8:THE DIRECTOR OF ELEMENTARY EDUCATION

ASSAM
PIN- 781019

Advocate for the Petitioner : MR. A K DUTTA, MR. B ZAMAN,MR. B PURKAYASTHA

Advocate for the Respondent : SC, SEC. EDU., SC, ELEM. EDU,SC, FINANCE,SC, N C T E

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

08.08.2024

(Vijay Bishnoi, CJ)

This Writ Appeal is filed by the appellants being aggrieved with the order dated 29.03.2022 passed by the learned Single Judge in WP(C) No.251/2021 whereby the learned Single Judge has dismissed the writ petition filed by the appellants and has refused to grant relief to them to fix the appellants in the Grade Pay of Rs.8700.00 instead of Rs.6800.00.

The learned Single Judge has observed that at the time of entry of the appellants in the Government job i.e. in the years 1998, 2014 and 2002, respectively, they were not graduates and the said qualification was obtained by them while in service. The learned Single Judge has also taken into consideration the fact that the entry qualification on the post of teacher, in the upper primary level was Higher Secondary when the appellants were initially appointed, and not graduation. The learned Single Judge, after going through the provisions of the RoP 2017 has held that there is no illegality in the action of the respondents in fixing the appellants in the Grade Pay of Rs.6800.00

Having heard the learned counsel for the appellants and after taking into consideration the fact that at the time when the appellants were

appointed as teachers in the Upper Primary school, the entry qualification for the said post was undergraduate and admittedly the appellants were undergraduates. In such circumstances even though they have obtained the graduation degree later on while in service, they are not entitled to a Grade Pay which is applicable in the case of graduate teachers. Hence, we do not find any merit in this Writ Appeal. The same is, therefore, dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant