

GAHC010110122021



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

Case No. : WP(C)/3831/2021

MD MAZID ALI AND ANR
S/O LATE MAFIZUDDIN AHMED, RESIDENT OF VILLAGE CHEUNI, PO PUB
REHABARI, PS PATACHARKUCHI, DIST BAJALI, ASSAM, 781329

2: SRI RANJIT DAS

S/O LATE BHAGADATTA DAS

RESIDENT OF VILLAGE CHAIBARI
PO PUB REHABARI
PS PATACHARKUCHI
DIST BAJALI
ASSAM
78132

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, SECONDARY EDUCATION DEPARTMENT, DISPUR GUWAHATI
781006

2: THE DIRECTOR OF SECONDARY EDUCATION
ASSAM KAHILIPARA
GUWAHATI 781019

3: THE INSPECTOR OF SCHOOLS

BARPETA DISTRICT CIRCLE
BARPETA
ASSAM
78130

Advocate for the Petitioner : MR. J HATIMURIA

Advocate for the Respondent : SC, SEC. EDU.

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG**

ORDER

Date : 29-05-2024

Heard Mr. M.Kalita, learned counsel for the petitioners along with Mr. P.N. Sharma, learned standing counsel for Secondary Education Department.

2. The learned counsel for the petitioners submits that the instant petition is a covered matter and has produced before this Court the Judgment & Order dated 24.03.2023 in W.P.(C)/1698/2023 wherein the learned counsel submits that a co-ordinate Bench of this Court had disposed of the matter with a direction that;

“Considering the above, this Court disposes of the writ petition thereby directing the petitioners herein to submit the fresh representation to the concerned Inspector of Schools along with a certified copy of the instant order and the concerned Inspector of Schools thereupon shall make necessary verification as to whether the petitioners have obtained B.Ed. Degree from UGC recognized university and NCTE approved B.Ed. Colleges and have joined before 03.07.2012 and upon verification if it is found that the petitioners have the required qualification as mentioned in the communication dated 21.07.2016, the respondent authorities

shall take appropriate steps for granting the one advance increment to the petitioners within a period of 3 months from the date of the submission of the representation.”

3. The learned counsel submits that since the case of the instant petitioners is similar to those of the petitioners in the mentioned W.P. (C)/169/2013, the instant writ petition may also be disposed of with a similar order.

4. Mr. P.N. Sharma, learned standing counsel for Secondary Education Department submits that the instant case is similar to those mentioned by the learned counsel for the petitioners and has raised no objection to the disposal of the instant writ petition being a covered matter.

5. Having heard the submissions made by the learned counsels for both the parties, wherein the facts of the case is that the petitioners are serving as Assistant Teachers at Rehabari Higher Secondary School, Bajali. Both the petitioners were appointed prior to 03.07.2012 i.e. before the amendment of the Assam Secondary Education (Provincialised) Service Rule, 2003. The case of the petitioners is that since the petitioners were appointed prior to 03.07.2012 and had obtained B.Ed/BT Degree from recognised institution they would be entitled to one advance increment as per the Circular issued by the Department of School Education, Assam dated 21.07.2016. It is seen that the co-ordinate Bench of this Court in a similar case in W.P.(C) No.1698/2023 had passed an order and

disposed of the said W.P.(C) by finding that person who were appointed before 03.07.2012 would be entitled to one advance increment if the petitioners had acquired the B.Ed Degree from UGC recognized University with NCTE approved B.Ed Colleges and had disposed of the writ petitioner are highlighted above.

6. Thus, it appears that the instant writ petition is a covered matter and this court find it fit to dispose of the instant writ petition by directing the petitioners to submit a fresh representation to the concerned Inspector of Schools wherein the concerned Inspector of Schools shall make necessary verification as to whether the petitioners had obtained B.Ed Degree from UGC recognized University and NCTE approved B.Ed Colleges and shall also verify whether the petitioners were appointed prior to 03.07.2012.

7. Upon verification, if it is found that the petitioners have the required qualification as per the Circular dated 21.07.2016, the respondent authorities shall take appropriate steps for granting the one advance increment to the petitioners within a period of 3 (three) months from the date of submission of the representation by the petitioners.

8. With the above direction, the instant W.P.(C)/3831/2021 stands disposed of.

JUDGE

Comparing Assistant