

GAHC010120132017



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

Case No. : WP(C)/51/2017

SANESHWAR RAMCHIARY and 49 ORS.
S/O. SRI CHABIN RAMCHIARY, R/O. VILL. RAMCHARTARY, P.O.
SAUDARBHITHA.

2: SRI BHABEN BRAHMA
S/O. SRI NIRAN BRAHMA
R/O. VILL. SIKADAL
P.O. SALBARI.

3: SRI ANKHARU SWARGIARY
S/O. SRI ROBIRAM SWARGIARY
R/O. VILL. HATAPARA
P.O. SAUDARVITHA.

4: SRI PRABIN CH. BORO
S/O. SRI CHATIRAM BORO
R/O. VILL. DIHIRA
P.O. BARGHAGRA.

5: SRI JOGESHWAR BRAHMA
S/O. SRI BERGERAM BRAHMA
R/O. VILL. LAUKHATA
P.O. LAUKHATA.

6: SRI PRASENJIT BRAHMA
S/O. SRI SURENDRA BRAHMA
R/O. VILL. CHENGLIMARI
P.O. KAKLABARI.

7: SRI PURAN CH. DAS
S/O. LT. KESHAB CH. DAS
R/O. VILL. CHOUDHURIPARA
P.O. KAKLABARI.

8: SRI KESHAB DEKA
S/O. LT. FATIK DEKA
R/O. VILL. SIMLA
P.O. KAKLABARI.

9: SRI DILIP KUMAR BORO
S/O. SRI BILAT CH. BORO
R/O. VILL. BUNMAJA
P.O. BAMUNKATA.

10: SRI SABTRI CHOUDHURY
D/O. BAIKUNTHA CHOUDHURY
R/O. VILL. GOLAGAON
P.O. GOLAGAON.

11: GOPAL BORO
S/O. SRI SURJYA KR. BORO
VILL. KARHANA
P.O. LOAKHATA.

12: DHARANIDHAR GAYARI
S/O. SRI JOY CH. GAYARI
R/O. VILL. DHIRA
P.O. BARGHARA.

13: SRI RAMESHWAR DAIMARY
S/O. LT. DANDARAM DAIMARY
R/O. VILL. MAJARMAKHA
P.O. BETHBARI.

14: SRI BARUN RAMCHHIYARI
S/O. SRI JOY CH. RAMCHHIYARI
R/O. VILL. GOLAGAON
P.O. GOLAGAON.

15: MADAN CH. DAS
S/O. LT. KESHAB CH. DAS
R/O. VILL. DANGRIGAON
P.O. GOLAGAON.

16: SRI DHIRESHWAR DAS
S/O. SRI GOKUL CH. DAS
R/O. VILL. DANGRIGAON
P.O. GOLAGAON.

17: SRI AMIA BALA DAS
D/O. SRI NAMALA KNT. DAS
R/O. VILL. BAKUA UTTAR BAKUA

P.O. BAKUA.

18: SRI MANGAL CH. BASUMATARY
S/O. SRI BEHU BASUMATARY
R/O. VILL. DAUKIJAN
P.O. RUPAHI.

19: SRI BIRENDRA NATH DAIMARY
S/O. SRI ATHI RAM DAIMARY
R/O. VILL. GOTHAIBARI
P.O. RUPAHI.

20: SRI RATAN CH. KHEKATARY
S/O. SRI PURANANDA KHEKATARY
R/O. VILL. KHUSRATARY
P.O. BARMAJRA.

21: MD. EKLAS ALI AHMED
S/O. HATEM ALI AHMED
R/O. VILL. DHUMARPATHAR
P.O. CHENGLIMARI.

22: SRI NAGENDRA NATH DAS
S/O. SRI MEGHO RAM DAS
R/O. VILL. KALBARI
P.O. BAGHMARA BAZAR.

23: SRI PRADIP KR. DEKA
S/O. SRI KAMESHWAR DEKA
R/O. VILL. NATUN BARALA
P.O. CHARNA BAZAR.

24: HITESH CH. KALITA
S/O. SRI NARESHWAR KALITA
R/O. VILL. KALBARI
P.O. BAGHMARA BAZAR.

25: MD. ABDUL RAHMAN MIA
S/O. MD. ABDUL GONI MIA
R/O. VILL. SILAPATNI
P.O. CHENGLIMARI.

26: SRI SIDDESWAR TALUKDAR
S/O. SRI PRIYANATH TALUKDAR

27: SRI KHAGENDRA KALITA
S/O. SRI NAGENDRA KALITA
R/O. VILL. KATHALMURI

P.O. BAGHMARA BAZAR.

28: SRI JAGAT CH. DAS
S/O. LT. NARAYAN CH. DAS
R/O. VILL. ROIMARY
P.O. CHAMUAGATI.

29: MD. ABDUL KASEM AHMED
S/O. PIAR ALI
R/O. VILL. DHUMARPATHAR
P.O. CHENGLIMARI.

30: SRI DINESH CH. PATGIRI
S/O. SRI SRIKANT PATGIRI
R/O. VILL. DIGJIRA BAJALI PAM
P.O. SALBARI.

31: SRI NIRANJAN SHEEL
S/O. SRI NARAYAN CH. SHEEL
R/O. VILL. MADHAPRU
P.O. RUPAHI
DIST. BAKSA
ASSAM.

32: SRI DIBAKAR CH. DAS
S/O. SRI BASURAM DAS
R/O. VILL. BAKUWA
P.O. BAKUWA.

33: SRI DEBALA BARMAN
W/O. SRI DEBEN DEKA
R/O. VILL. NATUN BARALA
P.O. CHARNA BAZAAR.

34: SRI UMESH CH. DAS
S/O. SRI AKHERAM DAS
R/O. VILL. CHARAIMARI
P.O. CHARAIMARI.

35: SRI GIRIN BASUMATARY
S/O. LT. THAPSARAMA BORO
R/O. VILL. KARHANA
P.O. ABCHALI.

36: MD. SAHABUDDIN AHMED
S/O. NAJIR ALI AHMED
R/O. VILL. GERGERIA CHEUNI
P.O. PUB REHABARI.

37: SRI TRAILOKYA KR. SINGHA
S/O. SRI KHAGENDRA KR. SINGHA
R/O. VILL. AKAYA
P.O. AKAYA
DIST. BAKSA.

38: SRI DURGESHWAR KALITA
S/O. LT. GAURI KR. KALITA
R/O. VILL. SARIMANIKPUR
P.O. SARUMANIKPUR.

39: SRI TIKENDRA NATH DAS
S/O. LT. BATARAM DAS
R/O. VILL. JARABARI
P.O. JOLAGAON.

40: SRI ARABINDA CHOUDHURY
S/O. SRI HARISH CH. CHOUDHURY
R/O. VILL. GOLAGAON
P.O. GOLAGAON.

41: SRI ARIBANDA DAS
S/O. SRI HARENDRA NATH DAS
R/O. VILL. NAOSALI
P.O. THAMNA.

42: SRI GOPAL CH. DAS
S/O. SRI KAMALESHWAR DAS
R/O. VILL. PACHIM KHAGRABARI
P.O. JALAHAT.

43: SRI PRADIP KUMAR DAS
S/O. SRI GHANASHYAM DAS
R/O. VILL. PACHIM KHAGRABARI
P.O. BAGHMARA BAZAR.

44: SRI RAMESH CH. BORO
S/O. KHABIRAM BORO
R/O. VILL. THAISUGURI
P.O. RUPAHI.

45: SRI BHASKAR TALUKDAR
S/O. LT. RATNESHWAR TALUKDAR
R/O. VILL. SAUDARVITHA
P.O. SAUDARVITHA.

46: SRI HARIGOBIN DAS

S/O. ATURA RAM DAS
R/O. VILL. MACHALBARI
P.O. CHAMUAGATI.

47: SRI BISWAJIT DAS
S/O. SRI HARMOHAN DAS
R/O. VILL. CHAMUAGATI.

48: SRI SONESHWAR DAS
S/O. SRI DEBENDRA DAS
R/O. VILL. PACHIM KATHALMURI
P.O. KATHALMURI GHAT.

49: SRI LACHIT CH. BORO
S/O. PHANIDHAR BORO
R/O. JARABARI

50: SRI DIMBESHWAR SWARGIARY
S/O. SRI GOGESHWAR SWARGIARY
R/O. VILL. SAITANGURI
P.O. SONAFULLY. ALL ARE RESIDENT OF DISTRICT BAKSA UNDER
SALBARI SUB-DIVISION
ASSAM

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 COMMISSIONER and SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR, GUWAHATI-6.

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA, GUWAHATI-19.

4:THE SECRETARY OF EDUCATION DEPTT.
BODOLAND TERRITORIAL AUTONOMOUS DISTRICT B.T.A.D
P.O. and DIST. KOKRAJHAR
ASSAM, PIN. 783370.

5:THE DIRECTOR OF EDUCATION
BODOLAND TERRITORIAL AUTONOMOUS DISTRICT B.T.A.D
P.O. and DIST. KOKRAJHAR
ASSAM, PIN. 783370.

6:THE PRINCIPAL SECRETARY
BODOLAND TERRITORIAL AUTONOMOUS DISTRICT B.T.A.D
P.O. and DIST. KOKRAJHAR
ASSAM, PIN. 783370

Advocate for the Petitioner : MS.M DEKA

Advocate for the Respondent : SC, BTC

BEFORE
HON'BLE MR. JUSTICE KARDAK ETE
ORDER

22.02.2024.

Heard Mr. H. Talukdar, learned counsel for the petitioners. Also heard Mr. B. Kaushik, learned standing counsel for the Elementary Education Department, Assam appearing for the respondent Nos.1 and 3 and Mr. B. Hazarika, learned counsel appearing on behalf of Mr. S.R. Rabha, learned Standing Counsel, BTC, appearing for the respondent Nos.4, 5 & 6.

(2) By filing this petition, the Writ Petitioners (50 in numbers) prays for a direction to the respondent authorities for release of grant-in-aid to the petitioners for the period from May, 1997 till 31.12.2013.

(3) The petitioners are the founder/organizer of the councilized V.L.P. Schools of then the Bodoland Autonomous Council (BAC), now the Bodoland Territorial Council (BTC). They were granted stipendiary grant-in-aid @ Rs.900/- per month to a single teacher till April, 1997. The petitioners have approached this Court by filing three Writ Petitions, raising their grievances and the last one being WP(C) No.498/2012.

(4) This Court vide order dated 04.06.2014 in WP(C) No.498/2012 directed

the respondent authorities to examine the case of the petitioners, as regards their entitlement or otherwise to receive grant-in-aid and to pass appropriate orders, as expeditiously as possible.

(5) On the submission of learned counsel for the petitioners, it has been recorded that so far as the prayer for provincialisation of services of the teaching and non-teaching staff is concerned, the same does not survive any longer as the provincialisation of their services have been accorded with effect from 01.01.2014.

(6) This Court also recorded the submission of the learned Standing Counsel for the BTC that the petitioners are not entitled to grant-in-aid in the facts and circumstances involved in the case.

(7) Mr. H. Talukdar, learned counsel for the petitioners submits that the orders of this Court including the order dated 04.06.2014 have not been complied with as on date.

(8) Mr. B. Kaushik, learned standing counsel, Elementary Education Department, Assam appearing for the respondent Nos.1 & 3, on instruction has admitted that the Department/ Government for that matter has not passed any order as regards the entitlement to receive grant-in-aid. Mr. Kaushik further submits that in view of the provincialisation of services of the petitioners, they may not be entitled for any grant-in-aid from the Government. However, he submits that it is the BTC authorities who will examine and consider the case of the petitioners, as to whether the petitioners are entitled to receive any grant-in-aid for the period May, 1997 till 31.12.2013.

(9) Mr. B. Hazarika, learned counsel appearing on behalf of Mr. S.R. Rabha, learned Standing Counsel, BTC, submits that no examination/consideration has

been made by the BTC authorities, as directed by this Court vide order dated 04.06.2014. Therefore, he submits that the matter may be remanded back to the Director of Education, BTC to examine and consider the case of the petitioners as regards the claim of grant-in-aid.

(10) Having considered the submission of learned counsel for the petitioners, coupled with the fact that the respondent authorities are yet to consider and examine the case of the petitioners as regards their entitlement or otherwise to received grant in aid, I deem it appropriate to dispose of the Writ Petition with a direction to the respondent authorities to examine and consider the claim of the petitioners.

(11) Accordingly, it is directed that the respondent authorities, particularly the Director of Education, BTC shall examine and consider the case of the petitioners as regards their entitlement or otherwise to receive grant-in-aid and to pass appropriate order within three (3) months from the date of receipt of a certified copy of this order.

(12) It goes without saying that while considering the case of the petitioners, the respondent authorities would take into account of the order(s), passed by this Court, in the earlier round of proceedings.

(13) The Writ Petition stands disposed of in terms of the above direction and order. No order as to cost.

JUDGE

Comparing Assistant