

GAHC010141332024



2024:GAU-AS:10907

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

Case No. : WP(C)/3606/2024

DEBOJIT CHAKROBARTY AND 11 ORS
S/O- LATE DIPEN CHAKROBARTY,
A.T. AT BILAIPUR M.V. SCHOOL,
R/O- MISSION ROAD, W/NO- 3,
HAILAKANDI, DIST.- HAILAKANDI,
ASSAM.

2: MANANITA CHOUDHURY
D/O- LATE RANADHIR CHOUDHURY
A.T. AT 268 NO. KANCHANPUR L.P. SCHOOL
R/O- MISSION ROAD
W/NO.- 3
HAILAKANDI
DIST.- HAILAKANDI
ASSAM.

3: RATNAJYOTI CHOUDHURY
S/O- LATE RANADHIR CHOUDHURY
A.T. AT RAMCHANDRA MUKTABASI M.E. SCHOOL
R/O- LAXMISAHAR
W/NO- 8
HAILAKANDI
DIST.- HAILAKANDI
ASSAM.

4: SUBRATA SARKAR
S/O- LATE SHAYAMAPADA SARKAR
A.T. AT SARANARTHIPUR M.E. SCHOOL
R/O- MISSION ROAD
W/NO-3
HAILAKANDI
DIST.- HAILAKANDI
ASSAM.

5: RAJAT BARAN GHOSH
S/O- LATE CHANDAN BORAN GHOSH
A.T. AT MAHATMA GANDI MEMORIAL M.E. SCHOOL
R/O- JOGENDRA ROAD
W/NO-3
HAILAKANDI
DIST.- HAILAKANDI
ASSAM.

6: SUDIP DEBROY
S/O- BARUN DEBROY
A.T. AT RATAKANDI M.E. SCHOOL
R/O- TOOL ROAD
W/NO- 15
HAILAKANDI
DIST.- HAILAKANDI
ASSAM.

7: SOUMITRA DUTTA ROY
S/O- LATE CHITTA RANJAN DUTTA ROY
A.T. AT MAHATMA GANDHI MEMORIAL M.E. SCHOOL
W/NO- 3
HAILAKANDI
DIST.- HAILAKANDI
ASSAM.

8: RIKTA SEN GUPTA
D/O- LATE SUKHA RANJAN SEN GUPTA
A.T. AT MONACHERRA GRANT TAPSHIL M.E. SCHOOL
R/O- RATANPUR ROAD
W/NO-12
HAILAKANDI
DIST.- HAILAKANDI
ASSAM.

9: BARNALI BHOWMIK
D/O- LATE RATHINDRA BHOWMIK
A.T. AT TOWN M.E. SCHOOL
R/O- S.S. ROAD
W/NO- 9
HAILAKANDI
DIST.- HAILAKANDI
ASSAM.

10: JAYANTA KR. CHANDA
S/O- LATE JYOTIRMOY CHANDA
A.T. AT RATAKANDI M.E. SCHOOL

R/O- HAILAKANDI BAZAR
W/NO.- 10
HAILAKANDI
DIST.- HAILAKANDI
ASSAM.

11: SUBRATA KUMAR DEB
S/O- LT. SUKHENDRA CHANDRA DEB
A.T. AT BILPAR M.E. SCHOOL
R/O- LALA ROAD
W/NO.- 4
HAILAKANDI
DIST.- HAILAKANDI
ASSAM.

12: CHINMOY DEB
S/O- CHITTA RANJAN DEB
A.T. AT BALAKANDI M.E. SCHOOL
R/O- MODEL COLONY
W/NO- 13
HAILAKANDI
DIST.- HAILAKANDI
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
SCHOOL EDUCATION DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI- 6.

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

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
HAILAKANDI
P.O.
P.S. AND DIST.- HAILAKANDI
ASSAM.

5:THE TREASURY OFFICER
HAILAKANDI
P.O.
P.S. AND DIST.- HAILAKANDI
ASSAM

Advocate for the Petitioner : MR. A M BARBHUIYA, MS S R MAZARBHUIYA,MS A BEGUM

Advocate for the Respondent : SC, ELEM. EDU, SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 08.11.2024

1. Heard Mr. A.M. Barbhuiya, learned counsel for the petitioners. Also heard Mr. P.K. Bora, learned standing counsel, Elementary Education Department, for the respondent Nos. 1, 3 & 4 and Mr. A. Chalia, learned standing counsel, Finance Department, for the respondent Nos. 2 & 5.

2. The petitioners were appointed as Tutors by different orders, all dated 23.09.2022, issued by the Director of Elementary Education, Assam. The Order dated 23.09.2022 provides that the post, against which the petitioners were accommodated as Tutors, is purely personal in nature and will cease to exist as and when the incumbent retires from service or expires. It is also provided that the accommodation order will take effect from 01.11.2020 only and the petitioner cannot claim any benefit whatsoever in respect of past services rendered by him/her prior to 01.11.2020. The order further states that the appointment is issued with concurrence of the Finance EC(III) Department dated 11.02.2021 and Finance (SIU) Department dated 17.02.2021, which was communicated by the Government Letter dated 01.09.2022.

3. The grievance of the petitioners before this Court is that despite the stipulations provided in the Order dated 23.09.2022, the petitioners are being paid their current salary from the month of March, 2023, however, their arrear salary w.e.f. 01.11.2020 till 28.02.2023 has not been paid to them.

4. Considering the short question involved, this writ petition is disposed of directing the petitioners to make their individual representations before the Director of Elementary Education, Assam within a period of 2 (two) weeks from today. The Director of Elementary Education, Assam/respondent No. 3 shall, thereafter, consider the representations made by the petitioners and dispose of the same, after verification of all the required documents, by a speaking order and in accordance with law within a period of 2 (two) months from the date of receipt of the representations to be filed by the petitioners.

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

JUDGE

Comparing Assistant