

GAHC010180012024



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

Case No. : WP(C)/4488/2024

SANGITA SEN
W/O- GAUTAM HALDAR,
RESIDENT OF VIVEKANANDA ROAD,
SILCHAR, DIST. CACHAR, ASSAM,
PIN- 788007.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION,
DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

3:THE INSPECTOR OF SCHOOLS
CDC
SILCHAR
DIST. CACHAR
ASSAM
PIN- 788001.

4:THE PRINCIPAL
GOVT. BOYS H.S. SCHOOL
SILCHAR
DIST.- CACHAR
ASSAM
PIN- 788001

Advocate for the Petitioner : MR. S B LASKAR, A. H. AHMED, MS D DUTTA, MR. H A LASKAR

Advocate for the Respondent : SC, SEC. EDU.,

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR
ORDER

06.09.2024

Heard Mr. S.B. Laskar, learned counsel for the petitioner. Also heard Mr. B. Kaushik, learned Standing Counsel, Elementary Education Department, Government of Assam, for respondent Nos.1 to 3.

2. The petitioner was initially appointed as a Hindi Teacher (Junior) on 30.12.2005 in Maibong Government ME School. Thereafter, she was transferred to the Government Boys HS School, Haflong by order dated 06.06.2015 issued by the Director of Secondary Education. The petitioner received graduate pay-scale from 31.08.2007 in pursuance to an order, dated 05.02.2010, issued by the Inspector of Schools, NC Hills, Haflong. The petitioner is presently serving as Assistant Teacher in Government Boys HS School, Silchar.

3. It is the claim of the petitioner that she obtained her B. Ed degree in the year 2015 from the Indira Gandhi National Open University (IGNOU, in short). The petitioner, therefore, claims that in terms of the Communication, dated 21.07.2016, issued by the Joint Director of Secondary Education, Assam, and addressed to the Inspector of Schools (All), she is entitled to get one advance increment for acquiring B. Ed degree.

4. Learned counsel for the parties submits that the Coordinate Benches of this Court have also passed orders directing necessary verification in that regard

and for passing appropriate orders if upon verification, it has been found that the petitioner have B. Ed degree. In this regard, reference has been made to the order, dated 10.03.2023, passed by this Court in WP(C) No.1202/2023.

5. Taking into account the directions passed in the order, dated 10.03.2023, passed in WP(C) No.1202/2023 as well as the Communication, dated 21.07.2016 written by the Joint Director of Secondary Education, Assam, this Court is also 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, this aspect of the matter would require a verification to be carried out in the level of Inspector of Schools, i.e., the respondent No.3.

6. Accordingly, this writ petition is disposed of directing the petitioner to file a fresh representation to the concerned Inspector of Schools along with a certified copy of this order within a period of ten days from today. Thereafter, the concerned Inspector of Schools shall make necessary verification as to whether the petitioner has obtained B. Ed degree from UGC recognized University and NCTE approved B. Ed college and has joined the institution before 03.07.2012 and upon verification, if it is found that the petitioner has the required qualification as mentioned in the Communication, dated 21.07.2016, the respondent-authorities shall take appropriate steps for granting one advance increment to the petitioner within a period of three months from the date of submission of the representation.

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

JUDGE

Comparing Assistant