

GAHC010190042021



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

Case No. : WP(C)/6618/2021

NIRANJAN DEKA AND 3 ORS
S/O. LT. NAMALESWAR DEKA, VILL. BARKHOPA, P.O. BARKHOPA, P.O.
BARKHOPA, P.S. TAMULPUR, DIST. BASKA, ASSAM.

2: LOKNATH SONGROLA
S/O. SRI MEDINI SONGROLA
R/O. BANGALIPRA
P.O. BANGALIPARA
P.S. TAMULPUR
DIST. BASKA
ASSAM.

3: SACHIN BASUMATARY
S/O. MANESWAR BASUMATARY
R/O. BHOLA BATABARI
P.O. SUAGPUR
P.S. TAMULPUR
DIST. BASKA
ASSAM.

4: AJIT KALITA
S/O. LT. BAIKUNTHA KALITA
R/O. CHARANGBARI
P.O. AND P.S. TAMULPUR
DIST. BAKSA
ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION
(ELEMENTARY) DEPTT., DISPUR, GHY.-06.

2: THE BODOLAND TERRITORIAL COUNCIL

KOKRAJHAR

REP. BY THE PRINCIPAL SECY.
KOKRAJHAR
BTC
ASSAM
783370.

3:THE SECRETARY

THE BODOLAND TERRITORIAL COUNCIL KOKRAJHAR
783370.

4:THE JOINT SECRETARY

THE BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR.

5:THE DIRECTOR OF EDUCATION

THE BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR.

6:THE DEPUTY INSPECTOR OF SCHOOLS

BAKSA
DIST. BAKSA
ASSAM.

7:THE DISTRICT ELEMENTARY EDUCATION OFFICER

BAKSA/MUSHALPUR/TAMULPUR/TIHU/BARAM BLOCK.

8:THE BLOCK ELEMENTARY EDUCATION OFFICER

BAKSA/MUSHALPUR/TAMULPUR/TIHU/BARAM BLOCK

Advocate for the Petitioner : MR. P J SAIKIA

Advocate for the Respondent : SC, EDU

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 08.01.2024

Heard Mr. B. Kumar, learned counsel for the petitioner. Also heard Mr. S.R. Rabha, learned standing counsel, BTC for the respondents No.2, 3, 4, 5, 6, 7 and 8 and Mr. P.K. Bora, learned counsel for the respondent No.1.

2. In this petition the petitioners have only prayed for regularization of their service after termination from their service.
3. The petitioners submitted in the year 1999 that they were appointed in various provincialised upper primary and lower primary schools under erstwhile Bodoland Autonomous Council now BTC and they received their salaries up to June, 2006. However, the Director of Education, BTC by his orders dated 10.11.2009 and 25.03.2011 terminated the service of the petitioners, but copies of such termination orders were served upon them by the Block Elementary Education Officer, Baksa/Mushalpur.
4. The petitioners submitted that the authorities in the BTC have now taken a policy decision to regularize the services of such terminated employees of BTC area, who received their regular salaries up to March 2006 and the State Government have also agreed to the said policy decision. Petitioners further stated that a Division Bench of this Court by its order dated 06.02.2015 passed in Writ Appeal No. 182/2013 (Govinda Barman & Ors. Vs. State of Assam & ors) also directed the respondents to effect regularization of the eligible incumbents as per the said policy decision allowing them to approach the Court again if they have any grievances in the decision-making with regard to the tenure of their services rendered and receipt of salaries.
5. In view of the above, on submission of fresh representations by the petitioners, individually, before the Director of Education, BTC, the respondent No.5, along with certified copy of this order, to be submitted by them on or before **26.06.2024**; the BTC authorities shall first examine whether the case of the petitioners are covered by the said policy decision referred above and decision of the Court dated 06.02.2015 passed in Writ Appeal No. 182/2013. If on such verification it is found that petitioners case are covered as observed above, the BTC authorities then shall proceed examine the claim of the petitioners and if on such examination & in terms of the aforesaid policy decision, the petitioners are found to be eligible for their reinstatement & regularization of service; then the BTC authorities shall pass appropriate order(s) re-instating and regularizing their service.

6. With the above observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant