

GAHC010199042023



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

Case No. : WA/426/2023

PADUMI BARMAN,
W/O SRI ATUL CH. BARMAN,
R/O NILACHALPUR, MALIGAON,
DIST- KAMRUP (M), ASSAM.

VERSUS

1. THE STATE OF ASSAM AND 3 ORS E
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION (SECONADRY),
DISPUR, GUWAHATI- 781006.

2:THE DIRECTOR OF SECONDARY EDUCATION, ASSAM,
KAHILIPARA, GUWAHATI,
DIST.- KAMRUP(M), ASSAM,
PIN- 781019.

3:THE COMMISSIONER AND SECRETARY,
TO THE GOVT. OF ASSAM, FINANCE DEPTT.,
DISPUR, GUWAHATI- 781006.

4:THE ACCONTANT GENERAL OF ASSAM (A AND E)
MAIDAMGAON, BELTOLA,
GUWAHATI- 781029

For the Appellant : Mr. S. Dutta, Advocate.

For the Respondent(s) : Mr. R. Majumdar, Standing Counsel, Education
(Secondary) Department.

: Mr. C. Baruah, Standing Counsel, AG.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

04.04.2024

(Vijay Bishnoi, CJ)

This intra-Court appeal is filed by the appellant/writ petitioner being aggrieved with the order dated 01.03.2023 passed by the learned Single Judge in WP(C) No.3120/2016, whereby the writ petition filed by the appellant/writ petitioner seeking regular pay-scale of the post of Headmistress and her appointment as regular Headmistress from the year 2013 has been dismissed.

The learned Single Judge has refused to grant the relief of regular pay-scale to the appellant/writ petitioner for the post of Headmistress while taking into consideration the Fundamental Rules 49(C) [F.R.49(C)] which provides that no additional pay shall be admissible to the Government employee who is directed to hold current charge of the routine duties of a higher post irrespective of the duration of the additional charge.

Admittedly, the appellant/writ petitioner was never appointed as the regular Headmistress and was holding charge of the duties of the Headmistress.

Taking into consideration the said fact, we do not find any illegality in the order dated 01.03.2023 passed by the learned Single Judge in WP(C) No.3120/2016, whereby the relief of grant of regular pay-scale to the appellant/writ petitioner for the post of Headmistress has been denied.

So far as regarding the claim of the appellant/writ petitioner for issuing a direction for appointing her as the regular Headmistress from October, 2013 is concerned, it is noticed that for the said relief, the appellant has approached this Court only in the year 2023, whereas she attained the age of retirement in the year 2015.

Taking into consideration the aforesaid fact, we are not inclined to grant the

relief of directing the respondents to treat the appellant/writ petitioner as the regular Headmistress since the year 2013.

In view of above observation, we do not find merit in this writ appeal. The same is, therefore, dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant