

GAHC010209982015



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

Case No. : WP(C)/666/2015

SHRI BANGSHIDHAR GOWALA
S/O LT. SRINATH GOWALA, VILL. SHIBERGPOOL, P.O. BAZARICHERRA-
788727, DIST- KARIMGANJ, ASSAM

-VERSUS-

1. STATE OF ASSAM and 4 ORS,
REP. BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM, EDUCATION ELE
DEPTT., DISPUR, GHY-6

2:THE SECY. TO THE GOVT. OF ASSAM
EDUCATION ELE DEPTT.
DISPUR, GHY-6

3:THE DIRECTOR OF ELMENTARY EDUCATION, ASSAM
KAHILIPARA, GHY-19

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
KARIMGANJ DISTRICT
P.O. KARIMGANJ-788710
DIST- KARIMGANJ, ASSAM

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
PATHARKANDI BLOCK
P.O. PATHARKANDI-788714
DIST- KARIMGANJ, ASSAM

Advocate for the Petitioner : MR .B MALAKAR

Advocate for the Respondent :

- B E F O R E -

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

04.01.2024

None appears for the petitioner on call today. Heard Mr. P.K. Bora, learned Standing Counsel, Elementary Education Department for the respondents.

The petitioner, who was appointed vide order dated 11.05.1992 as a Grade IV employee (Chowkidar) at Sibergool Mahabir M.E. School on compassionate ground, has instituted the present proceeding praying for consideration of his case for promotion either to the post of Assistant Teacher or to the post of L.D. Assistant.

The petitioner has contended that the absence of a promotional avenue has undermined his service prospects and has a demoralizing effect on him and accordingly, he has sought for an appropriate direction upon the respondent authorities for his promotion to the next higher post of Assistant Teacher and/or L.D. Assistant.

The respondents have by way of filing an affidavit brought on record their stand.

It is the contention of the respondents that in the Rules holding the field, i.e. Assam Elementary Education (Provincialisation of Services) Rules, 1977, (in short, the Rules of 1977), there exists no provision for promotion of a Grade IV employee to any other post available in the service. It is the contention of the respondents that the post of Assistant Teacher and/or L.D. Assistant is to be filled only by way of direct recruitment.

The respondents have also contended that the provisions of the Rules of 1977 also do not permit upgradation of the post of Grade IV to that of an Assistant Teacher or LD Assistant. It is the further contention of the respondents that to redress the grievance of a person like the petitioner working in the service without any promotional avenue, a scheme called "Assured Career Progression Scheme" was introduced by the State Government and the petitioner has by now received 2(two) financial upgradation under the said Scheme.

I have considered the materials available on record and also the submissions advanced by Mr. P.K. Bora, learned Standing Counsel, Elementary Education Department.

It is seen that the petitioner was working as a Grade IV employee at Sibergool Mahabir M.E. School and admittedly the provisions of the Rules of 1977 do not provide for any promotional avenue for an employee working against a Grade IV post and as such, an avenue of promotion not having been provided for under the Rules of 1977, it would not be open to this Court to pass directions upon the respondent authorities to consider the case of the petitioner for any such promotion either to the post of an Assistant Teacher or to that of an L.D. Assistant.

It is also seen that the petitioner's grievances of there being a lack of promotional avenue has been redressed with the implementation of the "Assured Career Progression Scheme" and financial upgradation thereunder has already been extended to him.

In view of above, this Court is of the considered view that there is no merit in the claims made by the petitioner and accordingly, the instant writ petition stands dismissed.

No order as to costs.

JUDGE

Comparing Assistant