

GAHC010232642023



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

Case No. : WA/250/2024

SHASHANKA ROY AND 22 ORS
S/O- LATE KALIDAS ROY, R/O- VILLAGE- NAYAGRAM, P.O.- DHALIBILL,
P.S.- R.K. NAGAR, PIN CODE 788166, DISTRICT- KARIMGANJ, ASSAM.

2: NABENDU ROY
S/O- LATE NANIGOPAL ROY

R/O- VILLAGE- MIRJANAGAR

P.O. JANAKALYAN BAZAR
P.S. KARIMGANJ
PIN CODE- 788720
DISTRICT- KARIMGANJ
ASSAM.

3: RANJAN KANTI ROY
S/O- LATE RASAMOY ROY

R/O- VILLAGE RATABARI

P.O.- BARIJALA

P.S. RATABARI

DISTRICT- KARIMGANJ
ASSAM. PIN CODE - 788734.

4: HIMANGSHU ROY
S/O- SRI HARAMOHYAN ROY

R/O- VILLAGE AND P.O.- BARUJALA

P.S. RATABARI
PIN CODE- 788734

DISTRICT- KARIMGANJ
ASSAM.

5: KALPANA ROY
C/O- LATE KOKIL CHANDRA ROY

R/O- VILLAGE AND P.O.- BARUJALA

P.S. RATABARI
PIN CODE- 788734

DISTRICT- KARIMGANJ
ASSAM.

6: SHIPRA RANI ROY
C/O- ASHUTOSH ROY

R/O VILLAGE AND P.O. KARIMGANJ

DISTRICT- KARIMGANJ
ASSAM. PIN CODE- 788710.

7: PURABI SARKAR
C/O. LATE PROMODH CHANDRA SARKAR

R/O- VILLAGE AND P.O.- ANIPUR

P.S.- RATABARI
PIN CODE- 788734

DISTRICT- KARIMGANJ
ASSAM.

8: SANTA RANI NAMASUDRA
C/O- SRI SADAN NAMASUDRA

R/O- VILLAGE AND P.O.- BHATGRAM

PIN CODE- 788710.

9: DULU BHUSHAN ROY
S/O. LATE SUKHLAL ROY

R/O- VILLAGE AND P.O. BARUALA

P.S.- RATABARI
PIN CODE- 788734

DISTRICT- KARIMGANJ
ASSAM.

10: NABENDU ROY
S/O- LATE NAGENDRA CHANDRA ROY

R/O- VILLAGE AND P.O. BARUALA

P.S. RATABARI
PIN CODE- 788734.

11: RANJU ROY
S/O- LATE RAIMOHAN ROY

R/O- VILLAGE KHAGAIL

P.O.- CHATAL
P.S.- KARIMGANJ

PIN CODE- 788720.

12: NIRANJAN ROY
S/O- LATE SURENDRA ROY

R/O- VILLAGE KURIKALA

P.O. BARUALA
P.S. RATABARI

DISTRICT- KARIMGANJ
ASSAM.
PIN CODE- 788734.

13: SUDHANGSHU DAS @ HIMANGSHU DAS
S/O- LATE SUKESH DAS

R/O- VILLAGE JARAIBARI

P.O. GOBINDAGANJ BAZAR

P.S. RATABARI
PIN CODE- 788734

DISTRICT- KARIMGANJ
ASSAM.

14: HARENDRA NAMASUDRA
S/O- LATE BISHNU CHANDRA NAMASUDRA

R/O- VILLAGE- PADMARPARA

P.O. AND P.S.- R.K. NAGAR

DISTRICT- KARIMGANJ
ASSAM.
PIN CODE- 788166.

15: MOLOY ROY
S/O- LATE MADHURAM ROY

R/O- NAYAGRAM
P.O.- DHALIBILL

PIN CODE- 788166

DISTRICT- KARIMGANJ
ASSAM.

16: PRADIP DAS
S/O- LATE PULIN BIHARI DAS

R/O- VILLAGE NALARPAR

P.O. BARUALA
P.S.- R.K. NAGAR

PIN CODE- 788734

DISTRICT- KARIMGANJ
ASSAM.

17: ASIT NAMASUDRA
S/O- LATE RAJKUMAR NAMASUDRA

R/O- VILLAGE- NABINGRAM

P.O.- ANILGARH

P.S.- R.K. NAGAR

PIN CODE- 788166

DISTRICT- KARIMGANJ
ASSAM.

18: CHANDAN RAY

S/O- PROHLAD RAY

R/O- VILLAGE SONAPUR

P.O.- OLIBIA CHERRA

P.S.- RATABARI

DISTRICT- KARIMGANJ
ASSAM.

19: DEBOBRATA RAY
S/O PRAHLAD RAY

R/O- VILLAGE SONAPUR

P.O.- OLIBIACHERRA

P.S.- RATABARI

DISTRICT- KARIMGANJ
ASSAM.

20: SANJIB MALLICK
S/O- JOGENDRA MALLICK

R/O- VILLAGE KADAMTALA

P.S.- R.K. NAGAR

DISTRICT- KARIMGANJ
ASSAM.
PIN CODE- 7887166

21: RANJIT NAMO SUDRA
R/O- VILLAGE KADAMTALA

P.S. R.K. NAGAR

DISTRICT- KARIMGANJ
ASSAM.

22: RAMANDU NAMO SUDRA
R/O- VILLAGE KADAMTALA

P.S. R.K. NAGAR

DISTRICT- KARIMGANJ

ASSAM.

23: SATYA RANJAN DAS
S/O- LATE RABICHARAN DAS

R/O- VILLAGE NAYANOBIN

P.O.- FAKUAGRAM

P.S.- KALIBARI

DISTRICT- KARIMGANJ
ASSAM.

24: ATIST LAL DAS
S/O- LATE BISHNU DAYAL DAS

R/O- VILLAGE- KAYANPUR

P.O.- GAMARI
P.S. KALIBARI

DISTRICT- KARIMGANJ
ASSAM.

25: RAM CHANDRA DAS
S/O- RAJENDRA DAS

R/O- VILLAGE SHALIA NAGAR

P.O.- ANILNAGAR

P.S.- R.K. NAGAR

DISTRICT- KARIMGANJ
ASSAM.
PIN CODE- 7887156.

26: SADHANA ROY
D/O. HAROMOHAN ROY

R/O- VILLAGE AND P.O.- BARUALA

P.S.- RATABARI

DISTRICT- KARIMGANJ
ASSAM.
PIN CODE

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY, TO THE
GOVERNMENT OF ASSAM, ELEMENTARY EDUCATION DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019.

3:THE DEPUTY INSPECTOR OF SCHOOLS
KARIMGANJ
DISTRICT- KARIMGANJ
ASSAM
PIN- 788710.

4:THE DIRECTOR OF SOCIAL JUSTICE AND EMPOWERMENT
DEPARTMENT
GOVT. OF ASSAM
LAKHI MANDIR
BELTOLA
GUWAHATI-781028
ASSAM.

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER KARIMGANJ
P.O AND P.S KARIMGANJ
DISTRICT KARIMGANJ
ASSAM
PIN 788710

Advocate for the Petitioner : MS SUPRIYA DASGUPTA, MR. N DHAR,MR B
MALAKAR,MS.SHOMA DASGUPTA

Advocate for the Respondent : SC, ELEM. EDU, GA, ASSAM,SC, WPT AND BC,MR R M DAS,
ADV. (R-4)

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

ORDER

**Date : 08.11.2024
(Vijay Bishnoi, CJ)**

This writ appeal has been filed by the appellants being aggrieved with the order dated 16.11.2022, passed by the learned Single Judge in WP(C)/5942/2022, whereby the writ petition filed on behalf of the appellants has been dismissed, mainly on the ground of delay.

The brief facts of the case are that in the year 1992, a scheme was floated by the *Welfare of Tribal & Backward Classes (WPT & BC) Department* (now named as *Social Justice & Empowerment Department*) to provide for an amount of Rs. 10,34,000/- (Ten Lakh Thirty-Four Thousand Rupees) to be distributed for payment of stipends to 94 nos. of stipendiary teachers who belong to Schedule Caste category.

It appears that an association namely, *Karimganj District Anusuchit Jati Parishad*, claiming to be raising concern of the Schedule Caste persons of the area, has preferred Civil Rule No. 1221/1993, raising a concern that though as per the scheme the amount of Rs. 10,34,000/- was meant for stipendiary teachers of Schedule Caste community, but, the State is disbursing the said funds to the persons belonging to Non-Schedule Caste category.

The Civil Rule No. 1221/1993 was disposed of by the learned Single Bench of this Court vide the order dated 13.11.1996, directing the State Government not to make payment meant for the stipendiary teachers belonging to the Schedule Caste category to the stipendiary teachers belonging to the Non-Schedule Caste category.

Thereafter, the same association has again preferred WP(C)/2407/2001, raising the grievance that the State Government is filling the posts of stipendiary teachers

meant for Schedule Caste category by appointing Non-Schedule Caste category person. In that writ petition, interim order was passed in WP(C)/2407/2001 on 02.04.2001, whereby the learned Single Bench of this Court had directed that 84 posts meant for Schedule Caste candidates of Karimganj Sub-division shall not be filled up by Non-Schedule Caste candidates. Later on, the writ petition No. 2407/2001 was disposed of by the Single Bench of this Court vide order dated 28.07.2005 by making the interim order dated 02.04.2001, absolute.

Thereafter, again the same association has preferred WP(C)/1785/2012, raising a grievance that the amounts so sanctioned under the scheme was for disbursement among the 94 nos. of stipendiary teachers who belongs to Schedule Caste category but, the respondents are disbursing it to 84 nos. of persons who are Non-Schedule Caste candidates.

The learned Single Judge of this Court had disposed of the said writ petition too vide order dated 10.05.2022, directing the WPT & BC Department to provide the petitioners' association with the list of persons who were the beneficiaries of an amount of Rs. 10,34,000/-, which was earmarked for the persons belonging to Schedule Caste category, liberty was granted to the petitioner association to examine the said list and if they find that any such person who do not belong to SC/ST category, but, is the beneficiary of the said stipendiary amount, appropriate representation be made to the concern department for paying the proportionate amount to any stipendiary teachers belonging to SC category in the Karimganj District.

Thereafter, in the year 2022, the petitioners have preferred a writ petition with a prayer that their writ petition has been disposed of in terms of the order dated 10.05.2022, passed in WP(C)/1785/2012 and also prayed that the respondents be directed to provide appointment to them as stipendiary teachers.

The learned Single Judge, after taking into consideration the facts and circumstances of the case had dismissed the writ petition mainly on the ground of

delay, as well as on the ground that the 84 nos. of stipendiary teachers, who are Non-Schedule Caste candidates and were appointed decades before, has not been made party and therefore, no such relief as prayed for in the writ petition can be granted.

Having heard the learned counsel appearing for the appellants and after going through the materials available on record, more particularly, taking into consideration of the fact that the appellants have approached this Court after an inordinate delay which is not at all been explained and the learned Single Judge of this Court had passed the order dated 10.05.2022, in the writ petition preferred on behalf of the said association in the year 2012, we are of the view that the appellants are not entitled to get a similar order passed in their favour.

Apart from that the relief granted by the learned Single Judge in the order dated 10.05.2022, to the petitioners, cannot be granted to the appellants because; it is an admitted fact that the appellants had never been appointed as stipendiary teachers at any point of time. So, there is no question of paying them stipendiary amount out of the amounts sanctioned by the State Government way back in the year 1992.

Hence, we do not find any force in this writ appeal and accordingly, the same stands dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant