

GAHC010237682023



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

Case No. : WP(C)/6184/2023

SWAPNA BORAH
W/O SRI SIDHESWAR HATIMURIA, RESIDENT OF VILLAGE BANH BARI
GAON, PO BEKADOLONG, PS SONARI, DIST CHARAIDEO, ASSAM 785690

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION, DISPUR GUWAHATI 781006

2:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI 781006

3:THE DIRECTOR OF PENSION AND PUBLIC GRIEVANCE
GOVT. OF ASSAM
HOUSEFED COMPLEX GUWAHATI 781006

4:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI 781019

5:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI
KAMRUP M ASSAM 781029

6:THE DISTRICT ELEMENTARY EDUCATION OFFICER

DIST. SIVASAGAR
ASSAM 785640

7:THE DEPUTY INSPECTOR OF SCHOOLS
CHARIADEO
ASSAM 785690

8:THE BLOCK ELEMENTARY EDUCATION OFFICER
SAPEKHATI DIST. CHARAIDEO
ASSAM 78569

Advocate for the Petitioner : MR. M KALITA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE NELSON SAIO

ORDER

Date : 14.03.2024

Heard Mr. M. Kalita, learned counsel for the petitioner. Also heard Mr. P. N. Sharma, learned Standing Counsel, Elementary Education; Mr. G. Pegu, learned counsel for respondent No.3; Mr. R. K. Talukdar, learned Standing Counsel, Accountant General and Mr.P. Nayak, learned counsel for respondent No.2.

2. Having regard to the claim and projection made by the writ petitioner, the writ petition is taken up for disposal at this stage.

3. It is the case of the writ petitioner that she was appointed as Stipendiary Teacher in the year 1994 and she completed Assam Junior Basic Training course in the year 2002. Thereafter, she was given regular scale of pay with effect from 25.03.2003 and subsequently, she retired in the year 2019. It is therefore the claim of the petitioner that in view of been having completed the training and having rendered the required number years of service, her case is covered by

the decision of this Court dated 19.02.2024 rendered in *Deva Gogoi vs State of Assam and 9 Ors.* i.e. *WP(C)/6187/2023*.

4. The learned counsel for the petitioner has also produced a copy of the said Order. Upon perusal of the same, it is seen that the said writ petition was disposed of with a direction to the respondent authorities to verify the documents as regards the appointment of the petitioner as Stipendiary Teacher and thereafter upon making necessary verification, if it is found that the petitioner falls within the ambit of the Stipendiary Teacher, he should be granted the benefit of pension under Rule, 1969.

5. The learned counsel for the respondents also fairly admit that the case of the petitioner may be verified by the respondent authority concerned and if the same is found to be covered by the said decision, necessary action may follow.

6. In view of above, the writ petition is disposed of with a direction to the respondent authorities concerned to examine the case of the petitioner and upon such examination if it is found that the petitioner indeed was working as a Stipendiary Teacher and had completed Assam Junior Basic Training Course and therefore, is covered by the decision of the *Deva Gogoi (Supra)*, the petitioner should be accorded pension.

7. The entire exercise be conducted and completed within a period of 4 (four) months from the date of receipt of a certified copy of this order.

8. With the above observation and direction, this writ petition stands disposed of. No order as to cost.

JUDGE

Comparing Assistant