

GAHC010268902022



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

Case No. : WP(C)/88/2023

LOHIN CH BRAHMA AND ANR
S/O- LT. HARICHARA BRAHMA, R/O- VILL AND P.O. PACHIM JHARGAON,
DIST.- BAKSA, (BTAD), ASSAM, PIN- 781367

2: PHANINDRA SINGHA
S/O- SRI BINAN SINGHA
R/O- VILL- BATIAMARI
P.O. KALBARI, DIST.- BAKSA (BTAD)
ASSAM, PIN- 78136

-----VERSUS-----

1.THE STATE OF ASSAM AND 6 ORS,
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM,
EDUCATION (ELEMENTARY) DEPTT., DISPUR, GHY-6.

2:THE BODOLAND TERRITORIAL COUNCIL, KOKRAJHAR,
REP. BY THE PRINCIPAL SECY., KOKRAJHAR, BTC,
ASSAM, PIN- 783370

3:THE SECRETARY
THE BODOLAND TERRITORIAL COUNCIL, KOKRAJHAR
PIN- 783370

4:THE JOINT SECRETARY,
THE BODOLAND TERRITORIAL COUNCIL, KOKRAJHAR,
PIN- 783370.

5:THE DIRECTOR OF EDUCATION,
THE BODOLAND TERRITORIAL COUNCIL, KOKRAJHAR.

6:THE DISTRICT ELEMETARY EDUCATION OFFICER,
BAKSA/TAMULPUR BLOCK.

7:THE BLOCK ELEMENTARY OFFICER.
BAKSA/TAMULPUR/PIN- 78337.

Advocate for the Petitioner : B KUMAR

Advocate for the Respondent : SC, ELEM. EDU

– B E F O R E –

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

19.01.2024

Heard Mr. B. Kumar, learned counsel for the petitioners. Also heard Mr. P.K. Borah, learned Standing Counsel, Education (Elementary) Department representing the respondent No.1 and Mr. B. Choudhury, learned Standing Counsel, BTC, representing the respondent Nos.2 to 7.

2. The petitioners, by way of instituting the present proceedings, have prayed for interference with the termination orders issued in their cases on 30.01.2009 and 17.03.2011 respectively. Further, the petitioners have also prayed for regularization of their services as Assistant Teachers in terms of the policy in place and the directions contained in the judgment and order dated 06.02.2015 passed by the Division Bench this Court in Writ Appeal No.182/2013.

3. As projected in the writ petition, the petitioner No.1 was appointed as an Assistant Teacher vide order dated 04.12.1999 in Pachim Tamulpur M.E. School against the sanctioned post. Thereafter, vide an order dated 31.03.2003, he was adjusted against a vacant post at Magurmari M.V. School.

The petitioner No.2 was appointed as Stipendary Teacher at No.486 Dongpar L.P. School against the sanctioned vacant post vide an order dated

04.12.1999. Thereafter, he was allowed to draw the regular scale of pay in terms of the directions passed by the departmental authorities.

4. The services of the petitioners came to be terminated vide orders dated 30.01.2009 and 17.03.2011 issued by the Director of Education, Bodoland Territorial Council (BTC).

5. The petitioner No.1 along with some other similarly situated persons had approached this Court by way of instituting WP(C) No.3691/2016 and this Court vide order dated 21.06.2016 had disposed of the said writ petition requiring the respondents in the BTC to examine the cases of the petitioners and if it is found that the petitioners, on such examinations, were found to have received salaries upto October, 2006, to take steps for regularization of their services.

6. It is the case of the petitioner No.1 that inspite of the said direction, the respondent authorities have not regularized his services.

7. The petitioners contend that they have received salaries upto the date of issuance of the orders of termination in their cases and as such, they are covered by the policy decision adopted in the matter by the BTC authorities whereunder teachers who had received salaries up to March, 2006 were required to be reinstated in services and were required to be regularized.

8. In this connection, the petitioners have referred to the judgment and order passed by the Division Bench of this Court dated 06.02.2015 in Writ Appeal No.182/2013 (***Gobinda Barman & Ors. –Vs- State of Assam & Ors.***), wherein the respondents were directed to effect regularization in cases of eligible teachers as per the policy in place.

9. The petitioners contend that their cases are also covered under the

policy as well as the directions contained in the judgment and order dated 06.02.2015 passed by Division Bench this Court in WA No.182/2013.

10. In view of above, the petitioners are hereby required to submit individually detailed representations before the Director of Education, BTC along with a certified copy of this order enclosing therein all requisite particulars with regard to their appointment, termination etc. on or before 15.02.2024.

11. In the event any such representations are submitted by the petitioners individually, the same shall be given its due consideration under the policy in place as well as under the directions contained in the judgment and order dated 06.02.2015 passed by Division Bench of this Court in Writ Appeal No.182/2013.

If on such considerations and after making due verifications, it is found that the cases of the petitioners are covered under the policy in place as well as the directions contained in the judgment and order dated 06.02.2015, the Director of Education, BTC shall proceed to issue orders towards reinstating the petitioners in their respective services and thereafter, shall regularize their services.

12. The above exercise shall be initiated and completed by the Director of Education, BTC after taking due approvals from the competent authorities within a period of 3(three) months from the date of receipt of the individual representations from the petitioners along with a certified copy of this order.

13. With the above observations and directions, the present writ petition stands disposed of.

JUDGE

Comparing Assistant