



Case No. : WP(C)/66/2024

VERSUS

5:The Director
School Education Dept.
Govt. of Mizora

Advocate for the Respondent : Addl. AG/GA, Mizoram

ORDER
BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

04.07.2024

Heard Mr. Victor L. Ralte, learned counsel for the petitioners and Mr. Samuel Vanlalhriata Changte, learned Addl. Advocate General appearing for the State respondents. Having regard to the projection made by the petitioners, the writ petition is taken up for disposal at the motion stage itself with the consent of the learned counsels for the rival parties.

[2.] The facts of the case as projected by the petitioners in brief is that the petitioner Nos. 1 to 45 were appointed as Primary School Teachers under the Sarva Shiksha Abhiyan (SSA) which is a Centrally Sponsored Scheme (CSS) between the years 2005 to 2016. As for the petitioner No. 46, she was appointed under the same Scheme but as a Middle School Teacher. The services of the petitioners were followed by a regular appointment as Government Primary School and Middle School Teachers between the years 2015 & 2019. Subsequently, their services have been confirmed between the years 2017 to 2022.

[3.] According to the petitioners, the State respondents in the School Education Department came up with a Notification dated 19.07.2013 (Annexure-13) by which

the eligibility criteria for pay up-gradation of Government Primary School, Middle School and High School Teachers in the senior and selection grade was laid down with effect from 01.06.2012. As per Clause 1(b) of the Notification, for the purpose of counting of eight (8) years service in the entry grade, services rendered in Adhoc/Deficit service continued by regularization into Government Service without any break shall be counted as qualifying service. The Notification dated 19.07.2013 was followed by a Corrigendum dated 02.07.2014 (Annexure - 14) by which, besides the services rendered in Adhoc and Deficit, the service rendered under the CSS continued by regularization came to be incorporated. Therefore, it is the case of the petitioners that they are eligible to count the services rendered by them under the SSA (CSS) for their pay up-gradation. The service particulars of the petitioners have been indicated in the form of a chart in paragraph No. 7 of the writ petition.

[4.] The learned counsel for the petitioners Mr. Victor L. Ralte has also drawn the attention of this Court to the common Judgment & Order dated 06.05.2024 (Annexure-20) passed by this Court in WP(C) No. 64/2023 and WP(C) No. 52/2022, by which the services of the petitioners therein rendered under the CSS and on Adhoc basis followed by their regularization as Government Teachers was directed to be considered in terms of the Notification dated 19.07.2013 and the Corrigendum dated 02.07.2014. The learned counsel submits that the case of the

instant petitioners are also similar and they are squarely covered by the said Judgment & Order.

[5.] Mr. Samuel Vanlalhriata Chhangte, learned Addl. Advocate General, Mizoram submits that prima facie it appears that the case of the petitioners may also be covered by the Judgment & Order under reference and the Notification and Corrigendum as reflected herein above but however, the State respondents may be given liberty to verify and examine the claim of each of the petitioners to find out as to whether they are eligible to be given the benefit of counting of their past services in terms of the Notification dated 19.07.2013 and Corrigendum dated 02.07.2014.

[6.] Upon hearing the learned counsels for the rival parties and upon perusal of the materials available on record, this Court does not find any impediment in disposing of the instant writ petition. The respondents are accordingly directed to consider the case of the petitioners for counting of their services rendered under the SSA (CSS) for their placement to the senior and selection grade in terms of the Notification dated 19.07.2023 and Corrigendum dated 02.07.2014. In doing so, the respondent authorities concerned will be at liberty to verify and scrutinize the service particulars of all the petitioners. The entire exercise should be carried out as expeditiously as possible and at any rate, within an outer limit of three (3) months from the date of receipt of a certified copy of this Order. The petitioners

shall also furnish a copy of this writ petition with annexures to the respondent No. 2 along with a certified copy of this Order.

[7.] With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant