GAHC010187172020

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

Case No. : WP(C)/5590/2020

PARESH CHANDRA DAS AND 36 ORS
S/O. LT. SARAT CHANDRA DAS, I/C HEADMASTER P.P.J. ABDUL KALAM HIGH SCHOOL, VILL. PASCHIM SITARA, P.O. AND P.S. RANGIA, DIST. KAMRUP (R), ASSAM, PIN-781354.

2: CHANDANA MAHANTA
W/O. LT. PRABHAT CH. MAHANTA
ASSTT. TEACHER
DAKSHIN BEJNI ADARSHA VIDYAPITH HIGHER SECONDARY SCHOOL
VILL. UZAN BARBARI
P.O. KARDAIGURI
DIST. BARPETA
ASSAM
PIN-

3: SUKUMAR BARMAN
S/O. RABI CHANDRA BARMAN
A.T.
RUPAHI HIGH SCHOOL
VILL. LACHIMATTARY
P.O. ANANDA BAZAR
DIST. BARPETA
ASSAM
PIN-781317.

4: GIRISH CHANDRA DAS
S/O. LT. ARUN DAS
I/C HEADMASTER
ARKARA HIGH SCHOOL
VILL. AND P.O. BAKUA
DIST. BAKSA (BTAD)
ASSAM
PIN-781327.

5: KULEN CHANDRA NATH
S/O. JOLESWAR NATH
ASSTT. HEADMASTER
BARTARI HIGH SCHOOL
VILL. PARTARIY
P.O. SONAPHULI
DIST. BARPETA
ASSAM
PIN-781318.

6: GOLAK CHANDRA BARO

S/O. BIPIN CHANDRA BARO
POST GRADUATE TEACHERS
SALBARI SENIOR SECONDARY SCHOOL
VILL. PAKRIGURI
P.O. SALBARO
DIST. BAKSA (BTAD)
ASSAM
PIN-781318.

7: JADAB NARZARY

S/O. LT. KANTESWAR NARZARY
A.T.
SALABRI HIGHER SECONDARY SCHOOL
VILL. SARANIA ULUBARI
P.O. SALBARI
DIST. BAKSA
ASSAM
PIN-781318.

8: KHAGEN CHANDRA BASUMATARY

S/O. BIRENDRA BASUMATARY
A.T.
RUPAHI HIGH SCHOOL
VILL. BAGHMARA
P.O. RUPAHI
DIST. BAKSA (BTAD)
ASSAM
PIN-781317.

9: MUKUL DAS
S/O. HARICHARAN DAS
A.T.
SALBARI HIGHER SECONDARY SCHOOL
VILL. SALBARI HIGHER SECONDARY SCHOOL

VILL. SALBARI
P.O. SALBARI
DIST. BAKSA (BTAD)
ASSAM
PIN-781318.

10: KANDARPA KUMAR NATH
S/O. HARICHARAN NATH
A.T.
SALBARI GIRLS HIGH SCHOOL
VILL. PATLA
P.O. ANANDA BAZAR
DIST. BAKSA (BTAD)
ASSAM
PIN-781318.

11: PRADIP KUMAR RAMCHIARY

S/O. GHENA RAMCHAIARY
A.T.
DAKSHIN BIJNI ADARSHA VIDYAPITH HIGHER SECONDARY SCHOOL
VILL. BHIGPUR
P.O. BEBARI
DIST. BAKSA (BTAD)
ASSAM
PIN-781327.

12: KARIM ALI
S/O. JAMIJ ALI
A.T.
LAKSHMIPUR HIGH SCHOOL
VILL. BHABANIPUR (B) BLOCK
P.O. DIGHAL DONGA
DIST. BAKSA (BTAD)
ASSAM
PIN-781343.

13: KANAK DAS
S/O. NABIN DAS
A.T.
GANDHIBARI HIGH SCHOOL
VILL. BHAKATPARA
P.O. TAMULPUR
DIST. BAKSA (BTAD)
ASSAM
PIN-781343.

14: TILAK CHANDRA HALOI

S/O. RAMESH CHANDRA HALOI
A.T.
NEHRU ANCHALIK HIGH SCHOOL
VILL. BANGALIPARA
P.O. NIZ BANGALIPARA
DIST. NALBARI
ASSAM
PIN-781333.

15: TILAK OLI

S/O. BRAHMALAL OLI
A.T.
BHOLAJHAR HIGH SCHOOL
VILL. BANGALIPARA
P.O. BANGALIPARA
DIST. BAKSA (BTAD)
ASSAM
PIN-781364.

16: NARAYAN BASUMATARY

S/O. HONJLA BASUMATARY
I/C HEADMASTER
CHAPAGURI KOKLABARI HIGH SCHOOL
VILL. HAZUA
P.O. KOKLABARI
DIST. BAKSA (BTAD)
ASSAM
PIN-781330 .

17: SHAHJAHAN KHAN
S/O. CHAND MAHMUD KHAN
A.T.
NORTH KHARIZA BIJNI HIGH SCHOOL
VILL. KAJIAMATI
P.O. MAINAMATA
DIST. BAKSA (BTAD)
ASSAM
PIN-781315.

18: ISLAMUDDIN AHMED
S/O. LT. IDRISH ALI
A.T.
A.P.J. ABDUL KALAM HIGH SCHOOL
VILL. BARGHULI
P.O. BARGHULI

DIST. KAMRUP (R)
ASSAM
PIN-781354.

19: BANAMALI KAKATI
S/O. JAGADANANDA KAKATI
A.T.
BANGANPARA HIGH SCHOOL
VILL. AMGURI (ROUMARI)
P.O. MUKTAPUR
DIST. BAKSA (BTAD)
ASSAM
PIN-781344.

20: AGWMA BRAHMA
S/O. LT. TANGKESWAR BRAHMA
A.T.
NORTH KAMRUP BETBARI HIGH SCHOOL
VILL. PUB KHAGRABARI
P.O. JALAHGHAT
DIST. BAKSA (BTAD)
ASSAM
PIN-781327.

21: TAZUDDIN AHMED
S/O. LT. ZAHAR UDDIN AHMED
A.T.
KAUBAHA NAVA MILAN HIGH SCHOOL
VILL. MADAIKATA
P.O. DHEPORGAON
DIST. BAKSA (BTAD)
ASSAM
PIN-781354

22: ASFIYA AHMED

W/O. SHAJAHAN ALI
A.T.
HATIGAON HIGH SCHOOL
DURGA MANDIR PATH
HOUSE NO.7
HATIGAON CHARIALI
DISPUR
GUWAHATI-781006
DIST. KAMRUP (M)
ASSAM.

23: PABITRA POKHRAL

S/O. LT. DHARANIDHAR POKHRAL
A.T.
BHOLAJHAR HIGH SCHOOL
VILL. BHUTANKHUTI
P.O. DIHIRA
DIST. BAKSA (BTAD)
ASSAM
PIN-781372

24: HEMEN CHANDRA DAS

S/O. KHARGESWAR DAS
A.T.
BARGHULI NEHRU HIGHER SECONDARY SCHOOL
VILL. BARPHUKAN KHAT
P.O. GARESWAR
DIST. BAKSA (BTAD)
ASSAM
PIN-781366

25: LATIKA RABHA
D/O. BHIBIRAM RABHA
A.T.
ANCHALIK HIGH SCHOOL
VILL. DEBACHARA
P.O. DEBACHARA
DIST. BAKSA (BTAD)
ASSAM
PIN-781333

26: RANJIT BAISHYA
S/O. LT. BIREN BAISHYA
A.T.
KHARUAMILAN HIGH SCHOOL
VILL. BANGALIPARA
P.O. NIZ BANGALIPARA
DIST. BAKSA (BTAD)
ASSAM
PIN-781333

27: MINATI DAS RAJBANSHI
D/O. BABULA RAJBONSHI
A.T.
ANGARDHWA HIGH SCHOOL
VILL. KHAGRABARI
P.O. KHAGRABARI
DIST. BAKSA (BTAD)

ASSAM
PIN-781344

28: DIPAK KALITA

S/O. DANDIDHAR KALITA
A.T.
ANCHALIK HIGH SCHOOL
VILL. TOKANKATA
P.O. THANGURI
DIST. BAKSA (BTAD)
ASSAM
PIN-781333.

29: RANJIT KUMAR MITRA
S/O. NARESH CHANDRA MITRA
A.T.
BETNA HIGH SCHOOL
VILL. SILKIJHAR
P.O. SILKIJHAR
P.S. GARESWA
DIST. BAKSA (BTAD)
ASSAM
PIN-781366.

30: MILAN KALITA
S/O. PABITRA KALITA
A.T.
SUKLA HIGH SCHOOL
VILL. TENGAJHAR
P.O. TENGAJHAR
DIST. BAKSA (BTAD)
ASSAM
PIN-781364.

31: S.M. ABDUL KARIM
S/O. LT. ABDUL ALI
A.T.
GURMOW HIGH SCHOOL
VILL. MURARA
RANGIA
P.O. RANGIA
DIST. KAMRUP (R)
ASSAM
PIN-781354.

32: ASHIM DEKA
S/O. LT. ANANDIRAM DEKA

A.T.
GARESWAR HIGHER SECONDARY SCHOOL
VILL. SHILKJHAR
P.O. SHILKJHAR
DIST. BAKSA (BTAD)
ASSAM
PIN-781366

33: SUNIL KUMAR BRAHMA
S/O. LT. SURJYA KUMAR BRAHMA
A.T.
APJ ABRUL KALAM HIGH SCHOOL
VILL. JURIPAR
P.O. MERKUCHI
DIST. BAKSA (BTAD)
ASSAM
PIN-781346

34: SANATAN TALUKDAR
S/O. DHARANIDHAR TALUKDAR
A.T.
ANCHAINK HIGH SCHOOL
VILL. MURKUCHIAPARA
P.O. NIZA BEJULIPARA
DIST. BAKSA (BTAD)
ASSAM
PIN-781333.

35: SASIPRAVA DEKA
D/O. GOPIKANTA DEKA
A.T.
BETNA HIGH SCHOOL
VILL. DALONGDIA
P.O. BETNA
DIST. KAMRUP
ASSAM
PIN-781366.

36: RABEN RABHA
S/O. LT. SAWNA RABHA
A.T.
KHATARBARI H.S.
VILL. BHAKATPARA
P.O. AND P.S. TAMULPUR
DIST. BAKSA
ASSAM
PIN-781367.

37: DINESH CH. KALITA

S/O. LT. DHUNA RAM KALITA
A.T.
SANTIPUR MILAN HIGH SCHOOL
VILL. AND P.O. SANTIPUR
DIST. BAKSA
ASSAM
PIN-781367

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY ITS COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
EDUCATION (SECONDARY) DEPTT., DISPUR, GUWAHATI-781006.

2:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI-781019.

3:THE DIRECTOR OF EDUCATION

BODOLAND TERRITORIAL COUNCIL
P.O. AND DIST. KOKRAJHAR
ASSAM.

4:THE INSPECTOR OF SCHOOLS

KAMRUP (M)
G.B. ROAD
PANBAZAR
GUWAHATI-781001.

5:THE INSPECTOR OF SCHOOLS

KAMRUP (R) DISTRICT CIRCLR
DADARA
DIST. KAMRUP (R)
ASSAM
PIN-781104.

6:THE INSPECTOR OF SCHOOLS

BAKSA
DISTRICT CIRCLE
P.O. MUSHALPUR

DIST. BAKSA (BTAD)
ASSAM
PIN-781377.

7:THE INSPECTOR OF SCHOOLS

BARPETA DISTRICT CIRCLE
P.O. BARPETA
DIST. BARPETA
ASSAM
PIN-781315.

8:THE INSPECTOR OF SCHOOLS

NALBARI
DISTRICT CIRCLE
P.O. AND DIST. NALBARI
ASSAM
PIN-781335

Advocate for the Petitioner : MR. S Ali

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 21-12-2020

Heard Mr. S Ali, learned counsel for the petitioners. Also heard Mr. R Mazumdar, learned counsel for the Secondary Education Department, Government of Assam.

2. As per the Office Memorandum dated 07.03.1998 of the Government of Assam in the Finance (Establishment-A) Department it was provided that if an employee acquires a higher qualification in course of his employment he would be entitled to an advance increment either from the date of acquiring the higher degree or from the date of his next annual increment. On the basis of the Office Memorandum dated 07.03.1998, the petitioners claim that they were appointed as teachers in various provincialised schools in the State of Assam and at the time of their initial appointment they did not have the B.Ed degree. It is stated that subsequently the petitioners had acquired their B.Ed degree on

different dates. Accordingly, a claim is made as B.Ed was a higher qualification in respect of their appointments, therefore, in exercise of the provisions in the Office Memorandum dated 07.03.1998 they are entitled to an advance increment. It is stated that in a similar situation this Court had ordered the respondent authorities to look into such grievances.

3. Mr. R Mazumdar, learned standing counsel has raised the contention that if at the time of appointment of the petitioners, B.Ed was an essential qualification, in such event, the Office Memorandum dated 07.03.1998 would not be applicable, inasmuch as, B.Ed would not be a higher qualification, but would be an essential qualification.

4. In view of the above, this writ petition stands disposed of by requiring the respective petitioners to file individual representations before the Inspector of Schools of Kamrup district as well as Inspector of Schools, Baksa district stating the relevant facts as to on which date they were appointed, and as to what was the essential qualification as on the date on which they were appointed by enclosing the relevant particulars of obtaining the B.Ed degree. The Inspector of Schools, thereafter, shall pass a reasoned order in the individual representations to be filed after verifying the date of appointment of the petitioners, as to what was the essential qualification on the date of their appointment, meaning thereby, whether the B.Ed degree was an essential qualification when the petitioners were appointed or it was not. Thirdly, whether the respective B.Ed degrees are valid degrees as per law. If the Inspector of Schools, arrives at a conclusion that on the date of their appointment, the B.Ed degree was not an essential qualification and the B.Ed degree obtained by the petitioners are valid under the law, the Inspector of schools shall pass a reasoned order on the entitlement of the petitioners to the advance increment provided in the Office Memorandum dated 07.03.1998 and on the other hand, if the Inspector of Schools arrives at a conclusion that the petitioners are not entitled to any such advance increment, a reasoned order be passed on the individual representation.

5. It is reiterated that the consideration would be made strictly as per law prevailing and taking into consideration all the various notifications that may have been issued from time to time for the purpose.

6. Writ petition stands disposed of in the above terms.

JUDGE

Comparing Assistant