GAHC020007892022

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

Case No. : WP(C)/324/2022

SHRI. ASUINGAU AND 2 ORS
S/O SHRI. RAHEING, PRESENTLY SERVING AS GRADUATE TEACHER(MATHS) AT GOVERNMENT MIDDLE SCHOOL, SAIJANG, PEREN, NAGALAND

2: SHRI.ISIGWAMILE ZELIANG

D/O HANSIUKIENG ZELIANG

PRESENTLY SERVING AS GRADUATE TEACHER(MATHS) AT GOVERNMENT MIDDLE SCHOOL
JALUKIE - B
PEREN
NAGALAND

3: SHRI. ISAAC

S/O SHRI PEIDA
PRESENTLY SERVING AS GRADUATE TEACHER AT GOVERNMENT PRIMARY SCHOOL
NGAWALWA
PEREN
NAGALAN

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF NAGALAND, KOHIMA, NAGALAND

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF NAGALAND

DEPARTMENT OF SCHOOL EDUCATION

NAGALAND
KOHIMA

3:THE PRINCIPAL DIRECTOR

DIRECTORATE OF SCHOOL EDUCATION

NAGALAND
KOHIMA

4:THE DIRECTOR

DIRECTORATE OF SCHOOL EDUCATION

NAGALAND
KOHIMA

5:THE SUB-DIVISIONAL EDUCATION OFFICER

PEREN
NAGALAN

Advocate for the Petitioner : T. B. JAMIR

Advocate for the Respondent : GOVT ADV NL

Linked Case : WP(C)/33/2023

SMTI. VINITOLI K AYE
D/O SHRI. KHUTOVU AYE
PRESENTLY SERVING AS GRADUATE TEACHER
GOVT. HIGH SCHOOL
SOUTH POINT
ZUNHEBOTO
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

2:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF SCHOOL EDUCATION

NAGALAND KOHIMA
3:THE PRINCIPAL DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION
NAGALAND KOHIMA
4:THE DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION
NAGALAND KOHIMA
5:THE SUB-DIVISIONAL EDUCATION OFFICER
ZUNHEBOTO
NAGALAND

Advocate for : T. B. JAMIR
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 4 ORS

Linked Case : WP(C)/27/2023

SHRI. SANJAY SHARMA AND 4 ORS
S/O SHRI. SABILAL SHARMA
PRESENTLY SERVING AS GRADUATE TEACHER
GOVT. MIDDLE SCHOOL
PUKHATO
DIMAPUR
NAGALAND

2: SHRI. ILOTO KIBA
S/O SHRI. HETOSHE KIBA
PRESENTLY SERVING AS PRIMARY TEACHER
GOVT. PRIMARY SCHOOL WARD-4
DIMAPUR
NAGALAND

3: SMTI. SENDONGKALA
S/O SHRI. LT. RONGSEN TZUDIR
PRESENTLY SERVING AS PRIMARY TEACHER
GOVT. PRIMARY SCHOOL
TOWN PRIMARY
DIMAPUR
NAGALAND

4: SHRI. BENDANGLIBA
S/O SHRI. IMLINUKSHI AO
PRESENTLY SERVING AS PRIMARY TEACHER
GOVT. HIGH SCHOOL
CHUMUKEDIMA
NAGALAND

5: SMTI. VISIELHOUNO CHASE
D/O SHRI. LHOUMEGOLIE CHASIE
PRESENTLY SERVING AS PRIMARY TEACHER
GOVT. MIDDLE SCHOOL
TSUUMA
DIMAPUR
NAGALAND
VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOCT OF NAGALAND

2:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF SCHOOL EDUCATION
NAGALAND KOHIMA
3:THE PRINCIPAL DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION
NAGALAND
4:THE DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION
NAGALAND KOHIMA
5:THE SUB-DIVISIONAL EDUCATION OFFICER
DIMAPUR
NAGALAND

Advocate for : T. B. JAMIR
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 4 ORS

Linked Case : WP(C)/26/2023

SMTI. SEYIEVI THEYO AND 3 ORS
D/O SHRI. B.N. THEYO
PRESENTLY SERVING AS PRIMARY TEACHER
GOVT. PRIMARY SCHOOL
OFFICERS HILL
KOHIMA NAGALAND

2: SMTI. NEIPHREVINUO
D/O SHRI. VINGUSA MOR
PRESENTLY SERVING AS GRADUATE TEACHER
GOVT. MIDDLE SCHOOL
OFFICERS HILL
KOHIMA NAGALAND

3: SHRI. NEIKUOLIE KETS
S/O SHRI. YACHUTUO KETS
PRESENTLY SERVING AS GRADUATE TEACHER
GOVT. MIDDLE SCHOOL
KIJUMETOUMA
KOHIMA
MAGALAND

4: SHRI.DIEZEVILIE CHUCHA
S./O SHRI. NEICHURIAZO CHUCHA
PRESENTLY SERVING AS GRADUATE TEACHER
GOVT. MIDDLE SCHOOL
MENGUJUMA
KOHIMA NAGALAND
VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF NAGALAND
DEPARTMENT OF SCHOOL EDUCATION NAGALAND KOHIMA
3:THE PRINCIPAL DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION
NAGALAND KOHIMA
4:THE DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION
NAGALAND KOHIMA
5:THE SUB-DIVISIONAL EDUCATIONAL OFFICER
KOHIMA NAGALAND

Advocate for : T. B. JAMIR
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 4 ORS

Linked Case : WP(C)/32/2023

SHRI. SENDENBA LONGCHAR
S/O SHRI. LANUKOKBA LONGCHAR
PRESENTLY SERVING AS GRADUATE TEACHER
GOVT. MIDDLE SCHOOL
MONYAKSHU A
MON NAGALAND

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

2:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF SCHOOL EDUCATION
NAGALAND KOHIMA
3:THE PRINCIPAL DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION NAGALAND KOHIMA
4:THE DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION
NAGALAND KOHIMA
5:THE SUB-DIVISIONAL EDUCATION OFFICER
TOBU
MON
NAGALAND

Advocate for : T. B. JAMIR
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 4 ORS

Linked Case : WP(C)/325/2022

SMTI. SUNGJEMKALA LENDEN AND ANR
D/O SHRI. ALEMTUBA LENDEN

PRESENTLY SERVING AS GRADUATE TEACHER AT GOVERNMENT MIDDLE SCHOOL
KHEKIHO
CHUMOUKEDIMA
NAGALAND

2: SMTI. MOARENLA AO

D/O SHRI. CHUCHANGSANGBA
PRESENTLY SERVING AS PRIMARY TEACHER AT GOVERNMENT PRIMARY SCHOOL
VIHOSHI
CHUMOUKEDIMA
NAGALAND
VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF NAGALAND
KOHIMA

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF NAGALAND

DEPARTMENT OF SCHOOL EDUCATION

NAGALAND
KOHIMA
3:THE PRINCIPAL DIRECTOR

DIRECTORATE OF SCHOOL EDUCATION

NAGALAND
KOHIMA
4:THE DIRECTOR

DIRECTORATE OF SCHOOL EDUCATION

NAGALAND
KOHIMA
5:THE SUB-DIVISIONAL EDUCATION OFFICER

DHANSIRIPAR
CHUMOUKEDIMA
NAGALAND

Advocate for : T. B. JAMIR
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 4 ORS

Linked Case : WP(C)/31/2023

SHRI. NYINGTHUNGO YANTHAN AND 5 ORS
S/O SHRI. SATSO YANTHAN
PRESENTLY SERVING AS GRADUATE TEACHER
GOVT. PRIMARY SCHOOL
LONGTSIRI
WOKHA NAGALAND

2: SHRI. MHATHUNG NGULLIE
S/O SHRI. SOPHAMO NGULLIE
PRESENTLY SERVING AS PRIMARY TEACHER
GOVT. PRIMARY SCHOOL
AMBOTO NEW
WOKHA
NAGALAND

3: SHRI. C. ALBERT YANTHAN
S/O SHRI. CHUMBEMO YANTHAN
PRESENTLY SERVING AS PRIMARY TEACHER
GOVT. PRIMARY SCHOOL
AMBOTO NEW
WOKHA
NAGALAND

4: SHRI. MOTSUTHUNG JAMIO
S/O SHRI. HAYITHUNG JAMIO
PRESENTLY SERVING AS PRIMARY TEACHER
GOVT. PRIMARY SCHOOL
LONGTSIRI
WOKHA
NAGALAND

5: SHRI. AKEYITO
S/O SHRI. VIHESHE ZHIMOMI
PRESENTLY SERVING AS PRIMARY TEACHER
GOVT. PRIMARY SCHOOL
SUMITO
WOKHA
NAGALAND

6: SMTI. LORENBENI L. ODYOU
S/O SHRI. LITHUNGBEMO ODYOU
PRESENTLY SERVING AS PRIMARY TEACHER
GOVT. PRIMARY SCHOOL
CHANDALASHUNG(B)
WOKHA NAGALAND
VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

2:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF SCHOOL EDUCATION
NAGALAND KOHIMA
3:THE PRINCIPAL DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION
NAGALAND KOHIMA
4:THE DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION
NAGALAND KOHIMA
5:THE SUB-DIVISIONAL EDUCATION OFFICER
WOKHA NAGALAND

Advocate for : T. B. JAMIR

Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 4 ORS

Linked Case : WP(C)/29/2023

SHRI. ATHONG YIM
S/O SHRI. LENSUTHONG YIM
PRESENTLY SERVING AS GRADUATE TEACHER
GOVT. PRIMARY SCHOOL
TSINGDANG
KIPHIRE
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

2:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF SCHOOL EDUCATION
NAGALAND KOHIMA

3:THE PRINCIPAL DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION
NAGALAND KOHIMA

4:THE DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION
NAGALAND KOHIMA

5:THE SUB-DIVISIONAL EDUCATION OFFICER
PUNGRO
KIPHIRE NAGALAND

Advocate for : T. B. JAMIR
Advocate for : appearing for THE STATE OF NAGALAND AND 4 ORS

Linked Case : WP(C)/28/2023

SMTI. IMSUNARO AND ANR
D/O SHRI. J. YAMGER IMSONG
PRESENTLY SERVING AS GRADUATE TEACHER
GOVT. PRIMARY SCHOOL

AOPENZU
MOKOKCHUNG NAGALAND

2: SMTI. TIAKUMLA OZUKUM
D/O SHRI. IMTIOMEN
PRESENTLY SERVING AS PRIMARY TEACHER
GOVT. PRIMARY SCHOOL
AOPENZU
MOKOKCHUNG
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRSENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

2:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF SCHOOL EDUCATION
NAGALAND KOHIMA
3:THE PRINCIPAL DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION
NAGALAND KOHIMA
4:THE DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION
NAGALAND KOHIMA
5:THE SUB-DIVISIONAL EDUCATION OFFICER
MOKOKCHUNG NAGALAND

Advocate for : T. B. JAMIR
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 4 ORS

Linked Case : WP(C)/30/2023

SHRI. IMKONGSUNEP AND ANR
S/O SHRI. TEKAMAYANG
PRESENTLY SERVING AS GRADUATE TEACHER
GOVT. MIDDLE SCHOOL
SANGLAO
NOKLAK
NAGALAND

2: SHRI. P. SHOU KHIAM
S/O SHRI PACHU KHIAM
PRESENTLY SERVING AS PRIMARY TEACHER
GOVT. PRIMARY TEACHER

KINGPAO
NOKLAK
NAGALAND
VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

2:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF SCHOOL EDUCATION
NAGALAND KOHIMA
3:THE PRINCIPAL DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION
NAGALAND KOHIMA
4:THE DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION
NAGALAND KOHIMA
5:THE SUB-DIVISIONAL EDUCATION OFFICER
NOKLAK
NAGALAND

Advocate for : T. B. JAMIR
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND AND 4 ORS

BEFORE
HON'BLE MR. JUSTICE NELSON SAILO

ORDER

Date : 16-02-2024

This Order will dispose of all the writ petitions since the issues involved are similar.

[2.] Heard Mr. I. Jamir, learned counsel for the petitioners and Mr. N. Angami, learned State Counsel for the State respondents.

[3.] It is the case of the petitioners that they were all appointed either as a Graduate Teachers or Primary Teachers between the years 2010 to 2014. The State Government in the School Education Department came up with an Office Memorandum dated 27.01.2015 issued under Memo No.

ED/EL/WKA-5/10-11(Pt) wherein, the pay of the Primary Teachers have been enhanced from Rs. 6,700/- to Rs. 20,080/- and the pay of Graduate Teachers has been enhanced from Rs. 8,400/- to Rs. 27,400/- with immediate effect. Although the petitioners were entitled to receive the enhanced pay with immediate effect, they have been given the enhanced pay only subsequently by various orders. In other words, the amount due to the petitioners varies from case to case.

[4.] The learned counsel for the petitioner submits that as of today, the petitioners are getting their enhanced pay but the arrears have not been cleared till date.

[5.] Mr. N. Angami, learned State Counsel submits that the State respondents have not disputed the fact that there are arrears pending to be paid to the petitioners but as stated by the learned counsel for the petitioners, the amount due varies from person to person and therefore, the respondents may be granted liberty to make appropriate verification and calculation of the amount due to each of the petitioners. He further submits that in case of petitioner Nos. 2 & 4 in WP(C) No. 26/2023, they are Adhoc Graduate Teachers belonging to the State cadre. Since the Office Memorandum dated 27.01.2015 only covers the case of SSA Teachers, liberty may be granted to the respondents to send them back to their original cadre. He further submits that whatsoever amount due to them while working along with all other SSA Teachers, the same shall be cleared by the State respondents.

[6.] Considering the above submission, the writ petitions are

disposed of with a direction to the State respondents to verify and make assessment of amount due to each of the Teachers within a period of eight (8) weeks from the date of receipt of a certified copy of this Order and upon making such verification and assessment, the amount due to each of the petitioners shall be disbursed to them within a period of four (4) months thereafter. Liberty is also granted to the State respondents to take necessary steps in respect of the petitioner Nos. 2 & 4 in WP(C) No. 26/2023. However, they shall not deprive of the enhanced pay for the period they have put into service.

[7.] In view of the above observations and directions, the writ petitions are disposed of.

Sd/-
JUDGE

Comparing Assistant