

GAHC010005442025



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

Case No. : WP(C)/227/2025

JAYANTA KUMAR GOPE AND 4 ORS
S/O SRI JASHODA RANJAN GOPE, VILL- BIYAIR DALA, DURGA NAGAR,
P.O. AND P.S.-RATABARI, DIST- SRIBHUMI, ASSAM, PIN-788735

2: SAFIQUUL ISLAM
S/O SHAHALOM SHEIKH
VILL- PAKHIRIGURI
P.O.-KRISHNAI
DIST- GOALPARA
ASSAM
PIN-783126

3: HIRAMANI DEKA
D/O DHARANIDHAR DEKA
VILL- DAKSHINGAON
P.O.-SANEKUCHI
P.S.-GHOGRAPAR
DIST- NALBARI
ASSAM
PIN-781350

4: GOBINDA ROY
S/O MANU RAM ROY
R/O HADANPARA
WARD NO. 8
P.O. AND P.S.-KOKRAJHAR
DIST- KOKRAJHAR
ASSAM
PIN-783370

5: SIMANTA PATHAK
S/O SRI MADAN CHANDRA PATHAK
VILL- PATHALIPARA
P.O. AND P.S.-NAGARBERA

AMINGAON
DIST- KAMRUP
ASSAM
PIN-78112

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, SCHOOL
EDUCATION DEPARTMENT, DISPUR, GUWAHATI-781006

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

3:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019

4:THE MANAGING DIRECTOR OF ADARSHA VIDYALAYA SANGATHAN
ASSAM
KAHILIPARA
GUWAHATI-781019

5:THE MISSION DIRECTOR
RASHTRIYA MADHYAMIK SIKSHA ABHIJAN
ASSAM
KAHILIPARA
GUWAHATI-781019

6:THE DIRECTOR OF EDUCATION
BTC
KOKRAJHAR
ASSAM
PIN-78337

Advocate for the Petitioner : MR. S C BISWAS, MR. A K DAS,MS A BORAH,MR J ABEDIN

Advocate for the Respondent : SC, SEC. EDU., SC, BTC,SC, FINANCE

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

24.01.2025

1. Heard Mr. J. Abedin, learned counsel for the petitioners, who submits that in pursuance to an advertisement dated 20.08.2024, for filling up the posts of Computer Teachers in the Pay Scale of Rs.5,200/- to Rs.20,200/- (PB-2) + Grade Pay of Rs.3,300/-, the petitioners were selected and were accordingly given appointments as Computer Teachers in the Pay Scale of Rs.5,200/- to Rs.20,200/- (PB-2) with Grade Pay of Rs.3,300/-.
2. The petitioners' counsel submits that the petitioners were to be given the benefit of the ROP 2017 w.e.f. 01.04.2022, in terms of the Notification dated 26.04.2022 issued by the Secretary to the Government of Assam, Secondary Education, even though the petitioners' claimed the benefit of the ROP 2017 from 01.04.2017. However, vide the impugned order dated 05.11.2024 issued by the Managing Director, Adharsha Vidyalaya Sangathan, the nomenclature of Computer Teacher has been changed to Computer Instructor and Fixed Pay of Rs.25,000/- is to be given, in lieu of the Pay Scale that was being enjoyed by the petitioners.
3. Issue Notice returnable in 3 (three) weeks.
4. Mr. P. Das, learned counsel accepts notice on behalf of the respondent nos.1 & 3, while Mr. P. Nayak, learned counsel accepts notice on behalf of the respondent nos.2, 5 & 6.

5. Petitioner to take steps for service of notice upon the respondent no.4 by registered post with AD within 3 (three) days.

6. List the matter after three weeks, to enable the respondents to obtain instructions as to how the petitioners who were receiving salary as per Pay Scale, have now suddenly been given Fixed Pay.

JUDGE

Comparing Assistant