

GAHC010013982017



2026:GAU-AS:584

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

Case No. : WP(C)/1127/2017

SMT. PADMA DAHAL and 2 ORS.
D/O LT. NANDALAL DAHAL, ASSTT. TEACHER, GARAMDEW LP SCHOOL,
VILL. GARAMDEW, P.O. and P.S. MUSHALPUR, DIST- BAKSA, BTAD,
ASSAM, PERMANENT R/O BHUTANKHUTI, P.O. DIHIRA, P.S. MUSHALPUR,
DIST- BAKSA, BTAD, ASSAM, PIN-781572

2: KASHI NATH GAUTAM
S/O LT. KHEM NATH GAUTAM
ASSTT. TEACHER
GARAMDEW LP SCHOOL
VILL. GARAMDEW
P.O. and P.S. MUSHALPUR
DIST- BAKSA
BTAD
ASSAM
PERMANENT R/O BHUTANKHUTI
P.O. DIHIRA
P.S. MUSHALPUR
DIST- BAKSA
BTAD
ASSAM
PIN-781572

3: KANIKA DAS
D/W OF SRI PABIN MEDHI
ASSTT. TEACHER
NO.1 BHOGPARA LP SCHOOL
VILL. BHOGPARA
P.O. and P.S. MUSHALPUR
DIST- BAKSA
BTAD
ASSAM
PERMANENT R/O PALASHGURI
P.O. NARAYANPUR

P.S. MUSHALPUR
DIST- BAKSA
BTAD
ASSAM

VERSUS

THE STATE OF ASSAM and 8 ORS.
REP. BY THE SECY., GOVT. OF ASSAM, EDUCATION ELEM DEPTT., DISPUR,
GHY-6

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY-19

3:THE BODOLAND TERRITORIAL COUNCIL
REP. BY ITS PRINCIPAL SECY.
KOKRAJHAR
P.O. and DIST- KOKRAJHAR
BTAD
ASSAM
PIN-783370

4:THE SECRETARY OF EDUCATION
BTC
KOKRAJHAR
P.O. and DIST- KOKRAJHAR
BTAD
ASSAM
PIN-783370

5:THE DIRECTOR OF EDUCATION
BTC
KOKRAJHAR
P.O. and DIST- KOKRAJHAR
BTAD
ASSAM
PIN-783370

6:THE DISTRICT ELEMENTARY EDUCATION OFFICER
BAKSA
P.O. MUSHALPUR
DIST- BAKSA
BTAD
ASSAM
PIN-781372

7:THE DY. INSPECTOR OF SCHOOLS
MUSHALPUR
P.O. MUSHALPUR
DIST- BAKSA
BTAD
ASSAM
PIN-781372

8:THE BLOCK ELEMENTARY EDUCATION OFFICER
MUSHLPUR BLOCK
P.O. MUSHALPUR
DIST- BAKSA
BTAD
ASSAM

9:THE COMMISSIONER OF FINANCE
GOVT. OF ASSAM
DISPUR
GHY-

Advocate for the Petitioner : MR.B KUMAR, MR.S K SINGHA,MR.S UPADHAY,MSR D KAKATI,MR.P SARMAH

Advocate for the Respondent : MR P NAYAK (SC, FINANCE DEPT.), GA, ASSAM,SC, BTC,SC, ELEMENTARY EDUCATION

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 20.01.2026

Mr. S. Upadhay, learned counsel for the petitioners, fairly submits that similar writ petitions on the same issue have already been decided by this Court by dismissing the same. In support of his submission, he produces the Judgment and Order dated 14.07.2025 passed by the Coordinate Bench of this Court in WP(C) No. 6020 of 2017.

Ms. P. Kayshap, learned counsel appearing for the respondent BTC (respondent Nos. 3 to 5), agrees to the submission.

Paragraph Nos. 30, 31 & 32 of the Judgment and Order dated 14.07.2025

passed in WP(C) No. 6020 of 2017 are hereby abstracted for ready perusal:-

“XXX. In the case in hand, the policy of regularization, arise out of a situation, when the petitioners initial appointments were held to be illegal and it is the BTC authority, in its wisdom decided to regularize the services of 221 such teachers and subsequently, of the petitioners. Therefore, such legal right to get salary, pension and other service benefits shall arise on due regularization of their services, and such regularization can be said to be valid in terms of the policy decision, when the State approves it by creating substantive posts, which was done in the year 2022-2024.

XXXI. Accordingly, for the reasons recorded hereinabove and determination made, it is held that the petitioners are rightly been paid their salary from the date of 2nd Regularization when new posts were created/sanctioned and the petitioners were regularized in service and they cannot claim salary based on the 1st Regularization inasmuch as the 1st Regularization cannot be said to have validly been done by the BTC, when admittedly and as reflected in such regularization order itself, no approval was there from the State of Assam.

XXXII. Accordingly, this Court finds no merit in these writ petitions and therefore, same stands dismissed. Parties to bear their own costs.”

The instant writ petition, therefore, stands dismissed in terms of the Order passed in WP(C) No. 6020 of 2017, as abstracted hereinabove.

Ms. S. Chutia, learned counsel appears for the respondent Nos. 1 & 2.

JUDGE

Comparing Assistant