

GAHC010022762022



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

Case No. : Cont.Cas(C)/64/2022

PHANI BORA
S/O- LATE BHABA KANTA BORA, R/O- VILL.- GHANHI BATIKURI, P.O.
GHANHI BATIKURI, P.S. RAHA, PIN- 782144, DIST.- NAGAON, ASSAM

VERSUS

PRITAM SAIKIA AND ANR
COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, EDUCATION
DEPARTMENT, DISPUR, GUWAHATI-781006.

2:MAMATA HOJAI
DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019

Advocate for the Petitioner : MR. D C BORAH

Advocate for the Respondent : MR. D SAIKIA

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

29.05.2023

Heard Shri K.M. Hassan, learned counsel for the petitioner.

Ms. N. Phukan, learned counsel appearing for the respondents has however placed before this Court an order dated 26.05.2023 passed by the Secretary to

the Government of Assam, Department of School Education. From a reading of the said order, it appears that the action of the authorities in not granting the benefit of regular time scale of pay to the petitioner has been sought to be justified. The order also states that the earlier direction of this Court in WA 233/2017 dated 14.06.2019 was taken into consideration.

This Court however is of the opinion that the matter was adjudicated by this Court and such adjudication was also upheld by the Hon'ble Division Bench in WA 233/2017.

Under the aforesaid facts and circumstances, in the opinion of this Court, there is no further scope of the authorities to re-examine the matter which would be in direct contravention and disobedience of the order by which the issue was already resolved by this Court.

At this stage, Ms. Phukan, the learned counsel prays for some time to obtain further instructions.

List this matter on 05.06.2023.

A copy of the order dated 26.05.2023 is kept with the records.

JUDGE

Comparing Assistant