

GAHC010026352026



2026:GAU-AS:3034

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

Case No. : WP(C)/937/2026

SALIM UDDIN CHOUDHURY AND 4 ORS
S/O- ABID RAJA CHOUDHURY, R/O VILLAGE JAMIRA BAGAN BOSTI, P.O.
JAMIRA BAZAR, PIN-788162, P.S.- RAMNATHPUR, DISTRICT- HAILAKANDI,
ASSAM

2: BIDHAN ROY
S/O BUDHAN ROY
R/O- VILLAGE JAMIRA PART-IV
P.O- GHARMURA BUS STAND
PIN- 788162
P.S- RAMNATHPUR
DISTRICT- HAILAKANDI
ASSAM.

3: MOTIUR RAHMAN LASKAR
S/O MOINUL HAQUE LASKAR
R/O- VILLAGE JAMIRA PART-IV
P.O- JAMIRA BAZAR
PIN- 788162
P.S- RAMNATHPUR
DISTRICT- HAILAKANDI
ASSAM.

4: GULEH AHMED LASKAR
S/O NIZAM UDDIN LASKAR
R/O VILLAGE NIMAICHANDAPUR PART-I
P.O- NIMAICHANDAPUR
PIN- 788168
P.S- LALA
DISTRICT- HAILAKANDI
ASSAM

5: RUKAIYA SAHIDA CHOUDHURY
W/O SAHIBUR RAHMAN LASKAR

R/O VILLAGE JAMIRA PART-IV
P.O- JAMIRA BAZAR
PIN- 788162
P.S- RAMNATHPUR
DISTRICT- HAILAKANDI
ASSAM

VERSUS

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

2:THE DIRECTOR OF ELEMMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
DISPUR
GUWAHATI- 781006
FINANCE DEPARTMENT
DISPUR
GUWAHATI- 781006

4:THE DISTRICT ELEMMENTARY EDUCATION OFFICER
HAILAKANDI
DISTRICT- HAILAKANDI
ASSAM

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
KATLICHERRA EDUCATION BLOCK
DISTRICT- HAILAKANDI
ASSAM.

6:THE HEADMASTER
GHARMURA M.E. SCHOOL
VILL- JAMIRA PART-IV
P.O- JAMIRA BAZAR
P.S- RAMNATHPUR
DISTRICT- HAILAKANDI
ASSAM
PIN- 78816

Advocate for the Petitioner : MR. S B LASKAR, MR. H A LASKAR,MS D DUTTA

Advocate for the Respondent : SC, ELEM. EDU, SC, FINANCE

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 27.02.2026

Heard Mr. S. B. Laskar, learned counsel for the petitioners and Mr. P. K. Bora, learned Standing Counsel, Elementary Education Department, Government of Assam.

[2.] Having regard to the nature of grievance projected by the petitioner, the writ petition is taken up for disposal at this stage.

[3.] It is the case of the petitioners that they are Tutors and serving in provincialised elementary educational institutions under the Elementary Education Department, Government of Assam. Their services were provincialised on 05.02.2021 under the provisions of the Assam Education (Provincialisation of Services of Teachers and Re-organisation of Educational Institutions) Act, 2017. After their provincialisation, the petitioners were given fixed salary of Rs.10,800/- per month which was later enhanced to Rs.12,000/- per month. It is the case of the petitioners that since they are performing similar nature of duties as those teachers, who are given scale of pay, they should also be given scale of pay as their monthly remuneration.

[4.] In this connection, the learned counsel for the petitioners has relied upon the Judgment of the Division Bench of this Court rendered in ***Mohor Ali Sheikh Vs. State of Assam*** reported in ***(2024) 5 GLT 698***.

[5.] I have perused the authority relied upon by the learned counsel for the

petitioners, more particularly, the paragraph Nos. 175 & 179. The Division Bench of this Court was of the view that by following the equality clause enshrined in Article 14 of the Constitution of India, the respondent authorities should extend pay scale to the Tutors as considered fit by the State Government and for which the State Government was directed to initiate necessary steps in the light of the observation made in the Judgment as expeditiously as possible and preferably within a period of six (6) months. It is, therefore, seen that the case of the petitioners, who are also Tutors enjoying only fixed pay is squarely covered by the said decision.

[6.] Accordingly, the writ petition is disposed of with a direction to the respondent authorities to extend the benefit of scale of pay to the petitioners in terms of the decision already rendered in *Mohor Ali Sheikh (supra)*. If the benefit has already been extended to the petitioner in *Mohor Ali Sheikh (supra)*, same shall be also extended to the petitioners in the instant case, subject to verification of the entitlement of the petitioners. If such consideration has not been culminated as of now, the State respondents have given three (3) months time from the date of receipt of a certified copy of this Order.

[7.] With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant