

WP(C) 6811/2017

BEFORE

HON'BLE MR. JUSTICE SUMAN SHYAM

Heard Mr. P. Pathak, learned senior counsel assisted by Mr. P. Talukdar, learned counsel for the petitioner. I have also heard Mr. K. Gogoi, learned Standing Counsel, Higher Education Department, appearing for the State.

Assailing the notification dated 11/09/2017 issued by the State paving the way for recruiting Computer Teachers in the various Government/ provincialised High School and Higher Secondary Schools and Senior Madrassas etc. in the State of Assam under the scheme Dr. Bani Kanta kakoti Computer Literacy Programme, the present writ petition has been filed, inter-alia, contending that the petitioners had earlier been engaged in the Schools as Computer Teachers under a similar scheme at a fixed honorarium of Rs. 10,000/- per month and they are still continuing to discharge their duties in the respective school. However, the authorities have not paid the regular honorarium to the petitioners for the services rendered by them as Computer Teacher. On the contrary, by issuing the notification dated 11/09/2017 and an advertisement notice, an attempt is now being made to recruit fresh Computer Teachers on contractual basis for a period of 3 (three) years, with the intention of ousting the existing teachers like the petitioners, who are continuing to discharge their duties till date. The learned Senior Counsel submits that since the petitioners are working, they must be paid their honorarium and the State should be restrained from replacing one set of adhoc employee by another.

Mr. K. Gogoi, learned Standing Counsel, Higher Education Department submits that the action of the State is in accordance with the law laid down by this Court and, therefore, same does not call for any interference. The learned departmental counsel, however, seeks sometime to obtain instruction in the matter.

Issue notice of motion returnable on 15/12/2017.

Since Mr. Gogoi has accepted notice on behalf of respondent nos. 1 to 4, no formal notice is required to be sent to the said respondents. However, extra copies of the writ petition, in requisite numbers, be furnished to the learned Standing Counsel within three days from today.

Steps by registered post with A/D for service of notice on remaining respondents. Steps within three days.

Also heard on the prayer of interim relief.

Having regard to the facts and circumstances of the case, it is hereby provided that before any fresh recruitment is made against the posts occupied by the petitioners' the outstanding dues of honorarium be paid to them. It is further provided that the petitioners would be at liberty to participate in the fresh process of selection/recruitment without prejudice to their rights and contention in the present writ petition.

List on 15/12/2017.