

GAHC010067082024



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

Case No. : WP(C)/1827/2024

BAKUL CH DEKA AND 4 ORS
S/O- LATE SUBAL CH. DEKA,
R/O- VILL- MANAHA,
P.O.- MANAHA,
P.S.- JAGIROAD,
PIN- 782411,
DIST.- MORIGAON
(WORKING AS ASSISTANT TEACHER IN NEKARUHOBHI L.P. SCHOOL)

2: PRADIP MEDHI
S/O- LATE DHARMESWAR MEDHI

R/O- VILL.- DAIPARA GAON

P.O.- JHARGAON

P.S.- JAGIROAD

PIN- 782411

DIST.- MORIGAON
(WORKING AS HEAD TEACHER IN BALIMUKH L.P. SCHOOL)

3: RANI DAS
W/O- NIRANJAN MEDHI

R/O VILL- BOHAUNNAT PARA

P.O.- BARPAKH

P.S.- MOYANG

PIN- 782411

DIST.- MORIGAON
(WORKING AS HEAD TEACHER IN BOHAPAHAR L.P. SCHOOL).

4: DIPAK KUMAR KAKATI
S/O- LATE RAMESWAR KAKATI

R/O VILL- BANGALDHARA

P.O.- BANGALDHARA

DIST.- MORIGAON
(WORKING AS ASSISTANT TEACHER IN BASUNDHARI M.E. SCHOOL).

5: GANESH CHANDRA BISWAS
S/O- LATE MAHENDRA BISWAS

R/O- VILL.- THENGBHANGA

P.O.- BARPAK

DIST.- MORIGAON.
(WORKING AS ASSISTANT TEACHER IN 2 NO. BURGAON L.P. SCHOOL)

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
EDUCATION (ELEMENTARY) DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE SECRETARY TO THE GOVT. OF ASSAM
FINANCE (BUDGET) DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
MORIGAON

Advocate for the Petitioner : MRS. K DEVI

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

03.04.2024

Heard Ms. K. Devi, learned counsel for the petitioners. Also heard Mr. P.N. Sharma, learned Standing Counsel, Elementary Education Department.

This writ petition is filed by the petitioners aggrieved by the fact that while the petitioners were being appointed by the order dated 14.11.2011, an undertaking was taken from the petitioners that they shall not be governed by the existing pension Rules, namely the Assam Service (Pension) Rules, 1969 and they will be governed by the New Pension Rules. Being aggrieved, the petitioners have approached this Court.

The learned counsel for the respondents submits that similar writ petitions filed by similarly situated persons were dismissed and a writ appeal has been pending.

The learned counsel for the petitioners also has assailed in the writ petition. However, the order of the Co-ordinate Bench by which the other similarly situated persons had filed their writ petitions which came to be dismissed being the Judgment and Order dated 31.03.2023 passed in W.P(C) No. 6893/2021 and W.P(C) No. 882/2023 is not available.

The learned counsels at the bar seek liberty to place the copy of the order.

In any view of the matter against the said Judgment and Order, it is submitted that presently a writ appeal being W.A. No. 187/2023 has been filed and the same is pending disposal before the Division Bench.

Let the matter be listed after four weeks and on the next date, the counsel will apprise the Court about the status of the writ appeal and also place a copy of the order dated 31.03.2023 passed in W.P(C) No. 6893/2021 and W.P(C) No. 882/2023.

Extra copies be furnished to the learned counsel for the respondents.

JUDGE

Comparing Assistant