

GAHC010086262026



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

**Case No. : WP(C)/2343/2026**

SANJIB CHOUDHURY AND 11 ORS  
S/O LATE SUNIL KUMAR CHOUDHURY, RESIDENT OF M.M.C ROAD,  
KARIMGANJ, P.O.- KARIMGANJ, DISTRICT- SRIBHUMI, ASSAM, PIN- 788710

2: SUBRATA SEKHAR DAS  
SON OF LATE SUNIL KUMAR DAS  
R/O- LAKSHMI BAZAR ROAD  
KARIMGANJ  
P.O.- KARIMGANJ  
DISTRICT- SRIBHUMI  
ASSAM  
PIN- 788710

3: ARPITA DAS  
WIFE OF ARUNANGSHU DULLAHCHY  
R/O- MALIPARA  
KARIMGANJ  
P.O.- KARIMGANJ  
DISTRICT- SRIBHUMI  
ASSAM  
PIN- 788710

4: SOUMITRA DEB ROY  
SON OF LATE SITESH DEB ROY  
R/O- SINGARIA  
P.O.- SINGARIA BAZAR  
DISTRICT- SRIBHUMI  
ASSAM  
PIN- 788719

5: RAJ SEKHAR DEB  
SON OF LATE RAKESH CH. DEB  
R/O- SINGARIA  
P.O.- SINGARIA BAZAR

DISTRICT- SRIBHUMI  
ASSAM  
PIN- 788719

6: BISWAJIT DAS  
SON OF LATE BINAY BHUSAN DAS  
R/O- KARIMGANJ TOWN  
DISTRICT- SRIBHUMI  
ASSAM  
PIN- 788710

7: SWAROOP DUTTA  
SON OF DR. SUKENDU DUTTA  
R/O- NETAJIPALLY  
SRIBHUMI  
KARIMGANJ  
P.O.- KARIMGANJ  
DISTRICT- SRIBHUMI  
ASSAM  
PIN- 788710

8: RUPAK DEB  
SON OF LATE DHIRENDRA KUMAR DEB  
R/O- VILL- DUHALIA  
P.O.- PATHERKANDI  
DISTRICT- SRIBHUMI  
ASSAM  
PIN- 788724

9: RAHUL DEB  
SON OF LATE RANJIT KUMAR DEB  
R/O- BROJENDRA ROAD  
KARIMGANJ  
P.O.- KARIMGANJ  
DISTRICT- SRIBHUMI  
ASSAM  
PIN- 788710

10: JAHURA KHANAM  
WIFE OF RAFIKUL HAQUE  
R/O- VILL.- KAZIRGRAM  
P.O.- BHANGA  
BAZAR  
DISTRICT- SRIBHUMI  
ASSAM  
PIN- 788710

11: SHIRSENDU SHEE

SON OF LATE SITANGSHU SEKHAR SHEE  
R/O- VILL.- SUBHASH NAGAR  
KARIMGANJ  
P.O.- KARIMGANJ  
DISTRICT- SRIBHUMI  
ASSAM  
PIN- 788710

12: SANJOY KUMAR PAUL  
SON OF LATE SUDHIR KR. PAUL  
R/O- VILL.- SUBHASH NAGAR  
KARIMGANJ  
P.O.- KARIMGANJ  
DISTRICT- SRIBHUMI  
ASSAM  
PIN- 78871

VERSUS

THE STATE OF ASSAM AND 3 ORS  
THROUGH THE SECRETARY TO THE GOVERNMENT OF ASSAM, SCHOOL  
EDUCATION DEPARTMENT, ASSAM, DISPUR GUWAHATI- 781006

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

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

4:THE DEPUTY INSPECTOR OF SCHOOLS  
SRIBHUMI  
P.O.- KARIMGANJ  
DISTRICT- SRIBHUMI  
ASSAM  
PIN- 78871

**Advocate for the Petitioner** : MR. I H SAIKIA, MR. K KALITA,MR K KASHYAB,MS L HMAR

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

**BEFORE  
HONOURABLE MR. JUSTICE NELSON SAILO**

**ORDER**

**Date : 05.05.2026**

Heard Mr. I. H. Saikia, learned counsel for the petitioners, who submits that by filing this writ petition, the petitioners seek for a direction to the respondent authorities to grant them the scale of pay in terms of their initial appointment. The learned counsel submits that the petitioners had earlier approached this Court through WP(C) No. 5032 of 2007. The said writ petition was taken up with other analogous matter and disposed of by a common Judgment and Order by holding that the petitioners are entitled to their scale of pay in terms of their initial appointment order and the same should be paid within a period of six (6) months from the date of the Judgment and Order.

The learned counsel submits that although a writ appeal was filed by the State but the same was withdrawn and thereafter, a review petition was filed i.e. Review Petition No. 60 of 2018. The review petition came to be dismissed vide Judgment and Order dated 28.04.2023.

Mr. I. H. Saikia, learned counsel for the petitioners, therefore submits that the common Judgment and Order of this Court dated 16.06.2016 has attained finality. While such being the position, the respondents have accommodated the petitioners as Tutors in a fixed pay through the Order passed on 30.01.2021 and therefore the same is not sustainable and should be set aside.

In view of above, issue notice of motion, returnable by four (4) weeks.

Mr. P. K. Borah, learned Standing Counsel, Elementary Education Department, Govt. of Assam, accepts notice on behalf of the respondent Nos. 1, 3 & 4 and Ms. R. M. Barooah, learned Standing Counsel, Finance Department, accepts notice on

behalf of the respondent No. 2. Notice is therefore complete.

Petitioner to serve extra requisite copies of the writ petition to the learned Standing Counsels appearing for the respondents, within two (2) working days.

Having regard to the projection made by the learned counsel for the petitioners and the fact that other similar matters are pending before this Court, the respondent authority shall file a detailed affidavit to justify their actions in accommodating the petitioners as Tutors on a fixed pay in spite of there already being a finding of this Court about nature of their appointment vide Judgment and Order dated 16.06.2016 in WP(C) No. 5032 of 2007 at Paragraph No. 12.

List the matter along with WP(C) No. 3783 of 2024 after four (4) weeks, on a date to be fixed by the Registry.

**JUDGE**

**Comparing Assistant**