

GAHC010090842022



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

Case No. : WP(C)/3317/2022

ZAKIR HUSSAIN BEG AND 67 ORS.

(A/T) S/O- LATE AZMAT ALI VILL- 1 NO. TITKURI PO- TITKURI DIST.
KAMRUP (ASSAM), PIN-781354 61 NO. TITKURI LPS DOB- 01/03/1971
BLOCK - RANGIA

2: DASARATH KALITA (A/T)

S/O- LATE MAGHU RAM KALITA VILL AND PO- UDIANA DIST. KAMRUP
(ASSAM)
PIN-781354 36 NO. BARKUKURIA CPLPS DOB- 01/08/1964 BLOCK -
RANGIA.

3: HIREN KALITA (A/T)

S/O- LT. DUTI RAM KALITA VILL AND PO- BALISATRA DIST. KAMRUP
(ASSAM) PIN-781350 BARANGHATI SR. BASIC SCHOOL DOB- 01/01/1967
BLOCK - RANGIA.

4: BANESHWAR KALITA (H/T)

S/O- LT. PABAN CH. KALITA VILL- DAHARA (BAGHBARI) PO-RANGIA
DIST. KAMRUP (ASSAM)
PIN-781354 127 NO. DALAIGAON LPS DOB- 09/01/1966 BLOCK - RANGIA.

5: KANAK KALITA (A/T)

S/O- LATE BHABEN KALITA VILL AND PO- TULSHIBARI DIST. KAMRUP
ASSAM
PIN-781376 BAIDYAGARH HIGH SCHOOL DOB-05/04/1971 I.S.- KDC
AMINGAON.

6: SYEDA SALIMA BEGUM (A/T)

D/O- LT. PAHAR ALI VILL- BARKURIHA P.O.-TITKURI DIST. KAMRUP
(ASSAM) 38 NO. BARKURIHA JB SCHOOL DOB- 01/03/1974 BLOCK-
RANGIA.

7: ACHYUT CH. GOSWAMI (A/T)

S/O- PADMA NARAYAN GOSWAMI VILL- 2 NO. TITKURI P.O.-TITKURI

PIN-781354 17 NO. TITKURI SESAPAR LPS DOB- 01/11/1973 BLOCK - RANGIA.

8: MANIKA DEKA SAIKIA (A/T)
H/O- LATE KARUNA SAIKIA VILL-CHEPTI PO-RANGIA PIN-781354
ARONODAI LPS DOB- 30/01/1969 BLOCK - RANGIA.

9: JOGEN KALITA (A/T)
S/O- SATRAM KALITA VILL-DAHARA PO-RANGIA PIN-781354 83 NO.
KUMARPARA BALIKA LPS DOB-01/09/1966 BLOCK- RANGIA.

10: SATISH CH. DEKA (H/T)
S/O- MANMOHAN DEKA VILL-KARARA PO-KARARA DIST. KAMRUP PIN-
781381 2 NO. KARARA LP SCHOOL DOB- 01/09/1975 BLOCK - KARARA.

11: MURULIDHAR SARMA (AT)
S/O- LT. BAIKUNTHA SARMA VILL- PINGALESWAR PO- KARARA DIST.
KAMRUP (ASSAM) PIN-781381 KHARIKATA HIGH SCHOOL DOB- 01/04/1970
I.S.- KDC
AMINGAON.

12: GANESH KALITA (H/T)
S/O- SUMDUTTA KALITA VILL-BANGALIKUCHI PO-RANGIA PS-RANGIA
PIN-781354 44 NO. TITKURI LPS DOB- 01/03/1963 BLOCK- RANGIA.

13: LAKHYA DHAR BAISHYA (A/T)
S/O- GOPI RAM BAISHYA WARD NO.7 PO- RANGIA DIST. KAMRUP PIN-
781354 TULSHIBARI BAHUMUKHI H.S.S. DOB- 02/10/1971 I.S.- KDC
AMINGAON.

14: ACHINTYA KR. SARMA (AT)
S/O- LT. ANANTA MOHAN SARMA VILL- 2 NO. NAKUL PO- RANGIA DIST.
KAMRUP (ASSAM) PIN-781354 43 NO. DAGAON LPS DOB-01/03/1969 BLOCK
- RANGIA.

15: SATTAR ALI (AT)
S/O- LT. DUKHIA ALI VILL- 3 NO. HACHANG PO- MADHUKUCHI DIST.
KAMRUP (ASSAM) PIN-781354 35 NO. HACHANG LPS DOB-17/01/1967
BLOCK RANGIA.

16: HASIM ALI (HT)
S/O- KHASNUR ALI VILL-KACHARI SOLMARI PO- KACHARI SOLMARI
DIST. KAMRUP (ASSAM) PIN-781354 108 NO. PACHIM BHEHBARI LPS DOB-
20/02/1978 BLOCK - RANGIA.

17: ABDUL RAHMAN (A/T)
S/O- HUSSAIN ALI VILL- KACHARI SOLMARI PO-RANGIA DIST. KAMUP
(ASSAM) 48 NO. BARKURIHA LPS DOB-01/10/1965 BLOCK- RANGIA.

18: BIREN CH. DAS (A/T)

S/O- LT. SRIKANTA DAS VILL- 1 NO. HACHANG PO- MADHUKUCHI DIST. KAMRUP (ASSAM) PIN-781354 46 NO. NIZ HACHANG LPS DOB-01/07/1970 BLOCK- RANGIA.

19: SAROJINI KALITA (A/T)

W/O- MANAMIL KALITA VILL- NANARA PO- KARARA DIST. KAMRUP (ASSAM) PIN-781381 KHARIKATA H.S. DOB- 01/01/1971 I.S.- KDC AMINGAON.

20: DANDESWAR KALITA (H/T)

S/O- LT. BHADRESWAR KALITA VILL-ISCHADAGHARIA PO-KANIHA DIST. KAMRUP (ASSAM) PIN-781380 7 NO. ISCHADAGHARIA BALAK L.P.S. DOB- 01/01/1974 BLOCK- RANGIA.

21: TRISHNA DEVI (A/T)

D/O- SHYAM PRASHAD SARMA VILL-BAREGAON PO-KARARA DIST. KAMRUP (ASSAM) TRIBENI MES DOB- 01/11/1975 BLOCK- KARARA.

22: DHIRESWAR KALITA (A/T)

S/O- DURGA RAM KALITA VILL- KANIKUCHI PO- KANIHA DIST. KAMRUP (ASSAM) PIN-781380 DHUHI JANAKALYAN L.P.S. DOB-01/03/1974 BLOCK- RANGIA.

23: KIRAN DAS (A/T)

D/O- THANU RAM DAS VILL- MADHUKUCHI PO- MADHUKUCHI DIST. KAMRUP (ASSAM) PIN-781354 MADHUKUCHI H.S. DOB- 01/09/1967 I.S.- KDC AMINGAON.

24: NRIPENDRA RAJBONGSHI (A/T)

S/O- LATE ARABINDA DHAR DAS VILL- MADHUKUCHI PO-MADHUKUCHI DIST. KAMRUP (ASSAM) PIN-781354 MADHUKUCHI H.S. DOB- 01/03/1964 I.S.- KDC AMINGAON

25: HEMANTA SARMA (H/T)

S/O- DINA NATH SARMA VILL- DIMU PO- KSHUDRA DIMU DIST. KAMRUP (ASSAM) PIN-781354 10 NO. DIMU LPS DOB-01-04-1968 BLOCK- RANGIA.

26: MANABENDRA DEKA (H/T)

S/O- ANGAD CH. DEKA VILL- NABURKA SATRA PO- KSHUDRA DIMU DIST. KAMRUP (ASSAM) PIN-781382 10 NO. DIMU LPS DOB-01/03/1975 BLOCK RANGIA

27: THANESWAR DAS (H/T)

S/O- LT. PUWA RAM DAS VILL- BARGAON PO- BIHDIA DIST. KAMRUP

(ASSAM) PIN-781381 120 NO. BARGAON LPS DOB-03/06/1972 BLOCK-KARARA.

28: GAGAN CH. BARUAH (A/T)
S/O- TARENI BARUAH VILL- BIHDIA PO-BIHDIA DIST. KAMRUP (ASSAM)
BIHDIA ADARSHA H.S. DOB-03/01/1973 I.S.- KDC
AMINGAON

29: SABYA DEKA (A/T)
W/O- DHIREN CH. KALITA VILL-BAMA PO-KARARA DIST. KAMRUP
(ASSAM) PIN-781382 TRIBENI M.E.S. DOB- 09/01/1970 BLOCK- KARARA

30: KAMALESWAR DEKA (A/T)
S/O- TARANI KANTA DEKA VILLANDPO- BIHDIA DIST. KAMRUP (ASSAM)
PIN-781381 BELKONA M.V.S. DOB-25/01/1976 BLOCK- KARARA

31: SYED FIROZ HUSSAIN (A/T)
S/O- LT. ABEDUZ JAMAN VILL- BARKUKURIA PO-UDIANA DIST. KAMRUP
(ASSAM) UDIANA M.E.S. DOB- 01/05/1968 BLOCK- RANGIA

32: DAYA RAM KALITA (A/T)
S/O-NANDA RAM KALITA VILL-KANIKUCHI PO-KANIHA DIST. KAMRUP
(ASSAM) PIN-781380 191 NO. GARAMSUNG L.P.S. DOB- 29/01/1969 BLOCK-RANGIA

33: DILIP KUMAR DAS (A/T)
S/O- DHANI RAM DAS VILL- 2 NO. NAKUL PO- RANGIA DIST. KAMRUP
(ASSAM) PIN-781354 PUB RANGIA H.S. DOB-31/12/1963 I.S.- KDC
AMINGAON

34: UDDHAB KALITA (H/T)
S/O- PRAFULLA KALITA VILL- NABURKA SATRA PO- KSHUDRA DIMU
DIST. KAMRUP (ASSAM) PIN-781350 BARGHULI L.P.S. DOB-01/08/1971
BLOCK- RANGIA

35: NAGEN CH. KALITA
S/O- LT. LALIT CH. KALITA VILL- ISCHADAGHARIA PO-KANIHA DIST.
KAMRUP (ASSAM) PIN-781380 190 NO. BARANGHATI L.P.S. DOB- 01/03/1975
BLOCK- RANGIA

36: JAKIR HUSSAIN (A/T)
S/O- ELEISH ALI VILL-BHEHBARI PO-GURMOW DIST. KAMRUP (ASSAM)
PIN-781354 42 NO. PANARA LPS DOB- 01/03/1971 BLOCK- RANGIA

37: ABDUL KHALEQUE (A/T)
S/O- SD. SARIFUDDIN AHMED VILL- 1 NO. TITKURI PO-TITKURI DIST.
KAMRUP (ASSAM) PIN-781354 DHANKHANDA L.P.S. DOB-01/06/1977
BLOCK- RANGIA

38: KRISHNA KALITA

S/O- LATE NEKARU KALITA VILL- PACHIMPAR BAGHBARI PO-RANGIA
DIST- KAMRUP (ASSAM) PIN-781354 210 NO. GHORATHAL L.P. SCHOOL
DOB - 09/10/1961 BLOCK -RANGIA

39: TILAK CH. KALITA (A/T)

S/O- LT. RANGO RAM KALITA VILL- KANIKUCHI PO- KANIHA DIST.
KAMRUP (ASSAM) PIN-781380 JANATA SISHU VIDYALAYA DOB-01/07/1972
BLOCK- RANGIA.

40: ATUL CH. BARO (A/T)

S/O- LT. BOMA CH. BORO VILL- PACHIM CHITARA PO- RANGIA DIST.
KAMRUP (ASSAM) PIN-781354 79 NO. BHATKUCHI LPS DOB-01/02/1964
BLOCK- RANGIA

41: BIREN KALITA (A/T)

S/O- LT. ANIRUDHA KALITA VILL-ISCHADAGHARIA PO-KANIHA DIST.
KAMRUP PIN-781380 7 NO. ISCHADGHARIA BALAK LPS DOB- 01/08/1967
BLOCK- RANGIA

42: MILAN DEKA (H/T)

S/O- LT. PHATIK DEKA VILL- GARIAKOTH PO-JAMTOLA DIST. KAMRUP
(ASSAM) PIN-781365 72 NO. KEKOHATI JBS DOB- 10/09/1976 BLOCK-
RANGIA

43: MD. SIDDIK ALI (A/T)

S/O- SADEK ALI VILL- KACHARI SOLMARI PO-RANGIA DIST. KAMRUP
(ASSAM) PIN-781354 36 NO. BARDAL LPS DOB- 01/05/1973 BLOCK- RANGIA

44: PRAMOD SARMA (RETIRED)

S/O- LT. BIBHAB NANDA DEVA SARMA VILL- 1 NO. DOBOK PO- DOBOK
DIST. KAMRUP (ASSAM) PIN-781380 200 NO. SIMALUA LPS DOB- 01/01/1958
BLOCK- RANGIA

45: RUMI CHAKRABARTI (A/T)

W/O- PURNA GOSWAMI VILL- MUKTAPUR PO-LOCH DIST. KAMRUP
(ASSAM) PIN-781381 MUKTAPUR HIGH SCHOOL DOB- 01/03/1974 I.S.- KDC
AMINGAON

46: KUMUD KALITA (A/T)

S/O- LT. TITHI RAM KALITA VILLANDPO- TULSHIBARI DIST. KAMRUP
(ASSAM) PIN-781376 126 NO. TULSHIBARI LPS DOB- 01/05/1966 BLOCK-
RANGIA.

47: MANIRAM DAS (RETIRED)

S/O- MAHI RAM DAS VILL-GUIYA PO-SONESWAR DIST. KAMRUP (ASSAM)

PIN-781382 1239 NO. DHANUKA LPS BLOCK- KAMALPUR

48: RAJDHAR DAS (RETIRED)

S/O- DHARESWAR DAS VILL- NIZ BORIGOG PO-KANIHA DIST. KAMRUP (ASSAM) PIN-781380 252 NO. CHANMAGURI LPS DOB-01/11/1961 BLOCK-RANGIA.

49: RATNA RAM DAS (H/T)

S/O- DADHI RAM DAS VILL- BHAI RA PO- MARANJANA DIST. KAMRUP (ASSAM) PIN-781354 54 NO. KACHARI SOLMARI LPS DOB-01/04/1970 BLOCK- RANGIA.

50: SAILENDRA KUMAR SARMA (A/T)

S/O- LT. SATICH CH. SARMA VILL- 1 NO. DOBOK PO- DOBOK DIST. KAMRUP (ASSAM) PIN-781380 SANKARDEV BIDYAMANDIR H.S. DOB-06/04/1969 I.S.- KDC AMINGAON

51: DEBAJIT BAISHYA (A/T)

S/O- LT. ALI RAM BAISHYA VILL- BARMURA PO- RANGIA DIST. KAMRUP (ASSAM) PIN-781354 HARDUTTA BIRDUTTA H.S. DOB-01/10/1971 I.S.- KDC AMINGAON

52: NARESWAR HALOI (A/T)

S/O- LT. HANGSHA RAM HALOI VILL-CHAPANIA PO-RANGIA DIST. KAMRUP (ASSAM) PIN-781354 HARDUTTA BIRDUTTA H.S. DOB-01/04/1967 I.S.- KDC AMINGAON

53: KAILASH SARMA (A/T)

S/O- LT. MAHIDHAR SARMA VILL- KANIHA PO- KANIHA DIST. KAMRUP (ASSAM) PIN-781380 KANIHA M.V. SCHOOL DOB-01/03/1974 BLOCK-RANGIA

54: HEMEN DAS (A/T)

S/O- LT. SONA RAM DAS VILL- 2 NO. DOBOK PO- DOBOK DIST. KAMRUP (ASSAM) PIN-781380 SANKARDEV BIDYAMANDIR H.S. DOB- 01/12/1976 I.S.- KDC AMINGAON

55: JOYANTA KALITA (A/T)

S/O- LT. KHAGENDRA KALITA VILL- NABURKA SATRA PO- KSHUDRA DIMU DIST. KAMRUP (ASSAM) PIN- 781380 SANKARDEV VIDYAMANDIR HIGH SCHOOL DOB- 01/07/1971 I.S.- KDC AMINGAON

56: SANTA RAM LAHKAR (A/T)

S/O- LT. ANANDA LAHKAR VILL- BARPULLA PO- BARANGHATI DIST.

KAMRUP (ASSAM) PIN-781310 PUB BALISATRA LPS DOB- 01/03/1966
BLOCK- RANGIA

57: BIMAL SARMA (A/T)
S/O- LT. LAKSHI NATH SARMA VILL- GARAMSUNG PO- BARANGHATI
DIST. KAMRUP (ASSAM) PIN-781350 GARAMCHUNG LPS DOB- 01/03/1966
BLOCK- RANGIA

58: TRAILOKYA KALITA (H/T)
S/O- UMESH CH. KALITA VILL-DAHARA (BAGHBARI) PO- RANGIA DIST.
KAMRUP (ASSAM) PIN-781354 KARARA GARBHITAR LPS DOB-04/11/1969
BLOCK- RANGIA

59: RABIN KALITA (A/T)
S/O- MANMIL KALITA VILL- MURARA
KHAIRABARI PO-RANGIA DIST. KAMRUP (ASSAM) PIN-781354 50 NO.
KASKATA LPS DOB- 31/07/1976 BLOCK- RANGIA

60: MAINUL HAQUE ALI (A/T)
S/O- SULTAN ALI WARD NO. 10 PO-RANGIA DIST. KAMRUP (ASSAM) PIN-
781354 FAKIRTOLA LPS DOB- 01/07/1971 BLOCK- RANGIA

61: LOHIT CH. DAS (H/T)
S/O- RATHI RAM DAS VILL- HAIRANDAB TOKANKATA PO- JAMTOLA
DIST. KAMRUP (ASSAM) PIN- 781354 121 NO. HAIRANDAB TOKANKATA
LPS DOB- 01/01/1967 BLOCK- RANGIA

62: PRAMOD DAS (H/T)
S/O- LT. SUKRA RAM DAS VILL- BICHENNALA PO- JAMTOLA DIST.
KAMRUP (ASSAM) PIN-781354 118 NO. BICHENNALA JBS DOB- 01/08/1962
BLOCK- RANGIA

63: SD. JAKIR HUSSAIN (A/T)
S/O- LT. ASRAF ALI VILL- 1 NO. DHUHI PO-DHUHI DIST. KAMRUP
(ASSAM) PIN-781350 S.A. AHMED MILAN LPS DOB- 10/09/1968 BLOCK-
RANGIA

64: GAYATRI PATHAK MAHANTA (A/T)
W/O- RAMESH PATHAK VILL- CHEPTI PO- RANGIA DIST. KAMRUP
(ASSAM) PIN-781354 25 NO. NAKUL GARAKA LPS DOB-01/02/1965 BLOCK-
RANGIA.

65: PRATUL DEKA (A/T)
S/O- KAMESWAR DEKA VILL ANDPO- GOPALPUR DIST. KAMRUP (ASSAM)
PIN-781354 81 NO. BARKURIA GOPALPUR LPS DOB- 11/01/1965 BLOCK-
RANGIA

66: KISHOR KUMAR (A/T)

S/O- LT. MAHESWAR KUMAR VILL AND PO- BALISATRA DIST. KAMRUP
(ASSAM) PIN-781350 PUB BALISATRA LPS DOB- 01/03/1964 BLOCK-
RANGIA

67: TAPAN BARUAH (A/T)

S/O- LT. PRAFULLA BARUAH VILL-DAKSHIN SITARA PO-RANGIA DIST.
KAMRUP (ASSAM) PIN-781354 1 NO. GOPALPUR LPS DOB- 01/07/1966
BLOCK- RANGIA

68: PAKIJA PARBIN (A/T)

D/O- LT. KHAIRAT ALI VILL- DEKARKUCHI PO-SONESWAR DIST. KAMRUP
(ASSAM) PIN-781382 JALIMURA LPS DOB-21/04/1970 BLOCK- KAMALPUR

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY ITS COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EDUCATION(ELEMENTARY) DEPARTMENT ,
DISPUR-06, ASSAM.

2:THE STATE OF ASSAM
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
THE PENSION DEPARTMENT
SACHIVALAYA
DISPUR
ASSAM-781006.

3:THE DIRECTOR OF PENSION

HOUSEFED COMPLEX
LAST GATE
DISPUR
GUWAHATI
ASSAM- 781006.

4:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6.

5:THE ADDITIONAL CHIEF SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY-6.

6:THE FINANCE AND ACCOUNTS OFFICER
DIRECTORATE OF PENSION
HOUSEFED COMPLEX
DISPUR
GUWAHATI-06.

7:THE INSPECTOR OF SCHOOL

DISTRICT CIRCLE
KAMRUP

Advocate for the Petitioner : MR. P K GOSWAMI

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

26.06.2023

Heard Shri B.P. Borah, learned counsel for the petitioners.

The petitioners who are teachers appointed under the Operation Black Board Scheme (OBB) are aggrieved by the action of the respondents in treating their appointments to fall under the New Pension Scheme.

The learned counsel submits that their appointment was prior to the amendment of the Assam Services (Pension) Rules, 1969 which was done on 14.07.2011.

On the other hand, Shri P.K. Borah, the learned Standing Counsel, Elementary Education Department has submitted that the cases of teachers under the OBB scheme has already been decided that they are not entitled for pension under the Old Pension Scheme.

Let notice of motion be issued, returnable by 6 (six) weeks.

Shri P.K. Borah, learned Standing Counsel, Elementary Education Department accepts notice on behalf of the respondent nos. 1 & 7, Ms. D. Das. Barman, learned State Counsel accepts notice on behalf of the respondent nos. 2, 3 & 6 and Shri A. Chaliha, learned counsel accepts notice on behalf of the respondent nos. 4 & 5.

Let extra copies of the writ petition be served upon the learned counsel for the respondents by tomorrow, i.e., 27.06.2023.

List this matter on 28.07.2023.

JUDGE

Comparing Assistant