

GAHC010093362024



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

Case No. : WP(C)/2495/2024

CHANDA RANI MEDHI
D/O- LATE BAGALA PRASAD MEDHI,
WARD NO-9,
P.O AND P.S- ABHAYAPURI, DIST- BONGAIGAON, ASSAM, PIN-783384

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF EDUCATION (SECONDARY), DISPUR, GUWAHATI-06

2:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI-19.

3:THE INSPECTOR OF SCHOOLS

BONGAIGAON DISTRICT CIRCLE
BONGAIGAON
ASSAM
PIN-78338

Advocate for the Petitioner : MR. M U MAHMUD

Advocate for the Respondent : SC, SEC. EDU.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

15.05.2024

Heard Mr. M.U. Mahmud, learned counsel for the petitioner. Also heard Mr. N.J. Khataniar, learned Standing Counsel, Secondary Education Department.

2. The petitioner is aggrieved by the order dated 27.03.2024 issued by the Director of Secondary Education whereby it was directed that the Inspector of School, Bongaigaon District Circle, Bongaigaon to revisit the order No. BDC/BED/2022/1614-18 dated 01.02.2023 issued from the Office of the Inspector of Schools, BDC, Bongaigaon and recover excess drawl amount if any from the writ petitioner. Earlier by order dated 01.02.2023, the Inspector of School, BDC, Bongaigaon had allowed the petitioner to draw Grade Pay of Rs. 8700/- PM as Trained Graduate Teacher. In the said order, reference to Notification No. FPC.04/2018/136 dated 04.08.2018 was quoted.

3. The learned counsel for the petitioner submits that the Grade Pay of Rs. 8700/- was allowed to be drawn by the petitioner as the petitioner is a Trained Graduate Teacher and has completed her B.Ed. Therefore, under the provisions of law, the petitioner is entitled for drawl of Grade Pay of Rs. 8700/- Per Month. However, the direction of the Director to revisit the order and recover any excess drawl by the petitioner is contrary to the provision of law and therefore the same is required to be interfered with and set aside.

4. Mr. N.J. Khataniar, learned Standing Counsel on the other hand submits that the notification dated 04.08.2018 quoted in the order dated 01.02.2023 permitting the writ petitioner to draw Grade Pay of Rs. 8700/- Per Month pertains to the Department of Elementary Education. The petitioner is an

employee under the Department of Secondary Education and accordingly, there appears to be no infirmity in the order of the Director dated 27.03.2024 directing the Inspector of Schools, BDC, Bongaigaon to recover excess drawl amount if any from the petitioner as the same did not have the approval of the Government and is in violation of the Rules. He however submits that he would like to complete his instructions and apprise the Court this matter.

- 5.** Accordingly, let Notice be issued, Returnable in four weeks.
- 6.** Since the learned Standing Counsel, Secondary Education represents all the respondents, Notices are waived. However, extra copies be furnished within one week from today.
- 7.** The matter be listed again on 10.06.2024.
- 8.** Till the next date fixed, no recovery of any excess amount which may have been brought by the writ petitioner shall be undertaken by the Inspector of Schools in pursuance to the order dated 27.03.2024 passed by the Director of Secondary Education.

JUDGE

Comparing Assistant