

GAHC010107002026



undefined

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

Case No. : WP(C)/3128/2026

BINA KONWAR
W/O- SRI KHETRA CHETIA, RESIDENT OF VILL- BETBARI NO. 2 KONWAR
GAON, P.O. BETBARI, P.S. SIVASAGAR, PIN NO.- 785667, DISTRICT-
SIVASAGAR

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION (ELEMENTARY) DEPARTMENT, DISPUR,
GUWAHATI- 781006

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
SACHIBALAYA
GUWAHATI- 781006

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
SIVASAGAR DISTRICT
ASSAM

5:THE DEPUTY INSPECTOR OF SCHOOLS
SIVASAGAR DISTRICT

6:THE BLOCK ELEMENTARY EDUCATION OFFICER
KHELUWA BLOCK
SIVASAGAR DISTRICT

Advocate for the Petitioner : MR. B D GOSWAMI, MR. J M GOGOI, MR. A GOSWAMI, MS. N A CHETIA

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

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 15.06.2026

Heard Mr. B.D. Goswami, learned counsel for the petitioner.

2. The petitioner, who was appointed as Assistant Teacher in L.P. School in the year 1996, has been subsequently accommodated as Assistant Teacher in L.P./U.P. Schools by order dated 30.01.2021. The petitioner has challenged the said order dated 30.01.2021 insofar as it provides that the accommodated teachers shall be entitled to benefits only with prospective effect from 01.11.2020 and that they shall not be entitled to claim any benefit whatsoever in respect of the service rendered by them prior to 01.11.2020.

3. It is the contention of the petitioner that she has been serving as teacher since 1999 and was granted regular scale of pay prior to the order dated 30.01.2021 appointing her as Assistant Teacher. It is the case of the petitioner that since she has been continuously rendered service and was subsequently accommodated as Assistant Teacher, the condition that the appointment would only prospective effect has caused hardship as she has been denied accrued benefits of her past services.

4. Issue notice, returnable by 4 (four) weeks.

5. Since Mr. A. Phukan, learned Standing Counsel, Elementary Education Department has appeared and accepted notice on behalf of respondents No. 1, 3, 4, 5 & 6 and Ms. R.M. Bora, learned counsel appears for the respondent No.2, no formal notice is required to be issued to the said respondents.

6. However, requisite extra copies of the writ petition be furnished to the learned counsel for the respondents within 3 (three) working days from today.

List after 4 (four) weeks.

JUDGE

Comparing Assistant