

GAHC010107982026



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

Case No. : WP(C)/3124/2026

SRI ROMESH KALITA AND 7 ORS
S/O LATE SARBESWAR KALITA, BETBARI, DORIKAPAR NAWJAN GAON,
SIVSAGAR 785640, DISTRICT SIVSAGAR

2: MD. AJIJ ULLAH
S/O- MOHAMMED DALILUR ROHMAN

WARD NO 1
DHAI ALI
SIVSAGAR 785640

DIST- SIVSAGAR

3: SRI MANUJ CHUTIA
S/O- LATE KONPAI CHUTIA
VILL- BOGIDOLE HALWA BHAKAT
P.O.- BOGIDOLE
SIVSAGAR 785697
DIST.- SIVSAGAR

4: SMTI. BHANU DUTTA
W/O- ROMESH DUTTA
VILL- RUDRASAGAR
P.O.- RUDRASAGAR
SIVSAGAR 785665
DIST.- SIVSAGAR

5: SMTI. PRATIMA BORAH SAIKIA
W/O- SHANKAR PRASAD SAIKIA

VILL- JALUK GAON
AMGURI

SIVSAGAR 785680

DIST.- SIVASAGAR

6: SRI. RANJIT DUTTA
S/O- LATE TULARAM DUTTA
VILL- SENSUWA
BONGAON
P.O. BHATIAPAR
SIVSAGAR 785667
DIST.- SIVASAGAR

7: SRI. PRODIP TAYUNG
S/O- LATE UMA TAYUNG
VILL- NO 1 ALIMUR GAON
P.O.- BHARALUA TINIALI
TELIADUNGA

SIVSAGAR 785664
DIST.- SIVASAGAR

8: SRI. GUNIN BORA
S/O- LATE BHUBAN BORAH
KHATOWAL CHAUL KORA NO 1
SIBASAGAR 785667
DIST.- SIVASAGA

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT 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
AMGURI BLOCK
AMGURI
SIVASAGAR DISTRICT

7:THE BLOCK ELEMENTARY EDUCATION OFFICER
DEMOW BLOCK
DEMOW
SIVASAGAR DISTRICT

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

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 petitioners, who were appointed as stipendiary teachers in the year 1999 and thereafter accommodated as Assistant Teachers in L.P./U.P. Schools by order dated 30.01.2021, have 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 past service rendered by them prior to 01.11.2020.

3. It is the contention of the petitioners that they have been serving as teachers since 1999 and were granted regular scale of pay prior to the order dated 30.01.2021 appointing them as Assistant Teachers. It is the case of the petitioners that since they have continuously rendered service and were subsequently accommodated as Assistant Teachers, the condition that the appointment would have only prospective effect has caused hardships as they have been denied accrued benefits of their 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 7 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