

GAHC010185762025



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

**Case No. : WP(C)/4884/2025**

LAKSMAN BASAK ALIAS LAKSMAN CH. BASAK  
S/O- LATE MOTILAL BASAK, R/O- VILL.- JYOTINAGAR, P.O. SIMALAGURI,  
P.S. BARPETA ROAD, DIST. BARPETA, ASSAM, PIN- 781313.

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE SECY. TO THE GOVT. OF ASSAM, DEPTT. OF  
SCHOOL EDUCATION, DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF ELEMENTARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI-19.

3:THE DISRTICT ELEMENTARY EDUCATION OFFICER  
BONGAIGAON  
ASSAM

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

**Advocate for the Petitioner** : MR. S K DAS, MR D BARMAN

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

**BEFORE**  
**HON'BLE MR. JUSTICE NELSON SAILO**  
**O R D E R**

**01.04.2026**

It is the case of the petitioner that although he has been appointed as a Graduate Science Teacher of Middle School vide order dated 28.02.1994 and subsequently regularized as such vide order dated 28.02.2001 issued on 01.03.2001 (Annexure-5), he has been deprived of the Graduate Scale of Pay till the same was restored to him vide order dated 22.02.2017 (Annexure-12).

The affidavit filed by the Director of Elementary Education, Assam does not disclose as to whether the petitioner had been wrongly deprived of his Graduate Scale of Pay by giving him only the pay scale entitled to an Assistant Teacher.

The appointment order of the petitioner as well as the order by which he has been given the Grade Pay of Science Graduate Teacher, refers to Government Circular No.A(I)E 425/95-Pt-II/140 dated 10.08.2000 and also the post creation order of the Government under Memo No.EPG-567/90/109 dated 16.11.1991.

Considering the above, the respondents will have to clarify as to whether the post creation has been done for Graduate Science Teacher or otherwise and further, whether the petitioner had been erroneously given only the Scale of Pay of an Assistant Teacher instead of the scale of a Graduate Science Teacher by filing an additional affidavit. The additional affidavit should be filed by the Director of Elementary Education, Assam (respondent

No.2) within a period of three weeks from today.

List the matter on **28.04.2026**.

**JUDGE**

**Comparing Assistant**