

GAHC010231122018



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

Case No. : WP(C)/7293/2018

GRADUATE LEVEL ELEMENTARY TEACHER ASSOCIATION, ASSAM AND 2 ORS.

REP. BY ITS VICE PRESIDENT NAMELY GHANASHYAM DAS, I/C HEAD TEACHER OF 142 NO. AGDIA PATHAR L P SCHOOL, UNDER CHENGA EDUCATION BLOCK, VILL AND P.O- CHENGA, DIST- BARPETA, ASSAM

2: SANTOSH KUMAR TAMANG
EXECUTIVE MEMBER
I/C HEAD TEACHER OF 772 NO. BALAGAON BAZAR L P SCHOOL
UNDER KOKRAJHAR EDUCATION BLOCK
VILL AND P.O- GHARBARI
DIST- KOKRAJHAR
ASSAM

3: SAMARENDRA KUMBHAKAR
EXECUTIVE MEMBER GLETA
I/C HEAD TEACHER
CHANNOIPAR L P SCHOOL
UNDER TIHU BARAMA EDUCATIONAL BLOCK
VILL- SANDHELI
P.O- BARPIT
DIST- NALBARI
ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
EDUCATION (ELEMENTARY) DEPTT, DISPUR, GUWAHATI- 06

2: THE COMMISSIONER AND SECRETARY
TO THE GOVT OF ASSAM
FINANCE DEPTT
DISPUR

GUWAHATI- 06

3:THE SECRETARY
TO THE GOVT OF ASSAM
FINANCE (PRU)DEPTT
DISPUR
GUWAHATI- 06

4:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 1

Advocate for the Petitioner : MR. A M S MAZUMDER

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 19.04.2023

Heard Mr. F. A. Laskar, the learned counsel, appearing on behalf of the petitioners and Mr. P. K. Borah, the learned Standing counsel appearing on behalf of the Elementary Education Department. I have also heard Mr. R. Borpujari, the learned Standing counsel appearing on behalf of the Finance Department.

2. Mr. P. K. Borah, the learned Standing counsel appearing on behalf of the Elementary Education Department has produced an instruction issued by the Director of Elementary Education to the effect that the Director of Elementary Education had submitted a report to the Government for creation of the post of Headmaster of L.P. Schools and also for upgradation of the Senior Most Assistant Teacher as Headmaster. The Government had informed that the charge allowance for Headmaster as per the Government notification dated

18.07.2017 is Rs.300/- which cannot be increased. It was also informed that there is no post of Headmaster in any L.P. School, therefore, the question of re-designation is not possible.

3. Taking into account the said stand, this Court finds it appropriate to direct the Elementary Education Department to place such instructions by way of an affidavit so that the petitioner is in a position to rebut to such statements.

4. List the matter on 26.05.2023.

5. The Elementary Education Department shall file their affidavit by 19.05.2023.

JUDGE

Comparing Assistant