

GAHC010262082022



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

Case No. : WP(C)/178/2023

ALL ASSAM MIDDLE SCHOOL SCIENCE TEACHERS ASSOCIATION AND 3
ORS

ASSAM TO BE REP. BY ITS PRESIDENT AND SECY. ADDRESS OF
CORRESPONDENCE C/O C/O DIPAK BARMAN, R/O- NANDANPATH,
SUMITRAPUR, BARSAJAI, BELTOLA, GHY, ASSAM, PIN- 781028, DIST.-
KAMRUP (M)

2: RABIN CH. BARUAH

S/O- LT. MUHI CH BARUAH

PRESIDENT

ASSAM MIDDLE SCHOOL SCIENCE TEACHERS ASSOCIATION

ASSAM SCIENCE GRADUATE TEACHER

HAHCHARA MV SCHOOL

SIVASAGAR

R/O- VILL- HAHCHARA MORAN GAON

PO DAYA CHARIALI

DIST.- SIVASAGAR

PIN- 785701

COMMON ADDRESS OF CORRESPONDENCE C/O DIPAK BARMAN

R/O- NANDANPATH

SUMITRAPUR

BARSAJAI

BELTOLA

GHY

ASSAM

PIN- 781028

DIST.- KAMRUP (M)

3: MD. ABDUL QAYUM SARKAR

S/O- LT. HASHEM ALI MIAH

SCIENCE GRADUATE TEACHER

DHUBRI ME SCHOOL

DHUBRI

SECRETARY

ALL ASSAM MIDDLE SCHOOL SCIENCE TEACHERS ASSOCIATION
ASSAM
R/O- VILL- BIDYA PARA PART-II

NEAR NATHPARA
P.O. KHALILPUR
DIST.- DHUBRI
ASSAM

PIN- 783325

COMMON ADDRESS OF CORRESPONDENCE C/O DIPAK BARMAN

R/O- NANDANPATH
SUMITRAPUR
BARSAJAI

BELTOLA

GHY

ASSAM

PIN- 781028

DIST.- KAMRUP (M)

4: SRI DIPAK BARMAN

S/O- LT. DEBENDRA NATH BARMAN

SCIENCE GRADUATE TEACHER

DAKSHIN BELTOLA ME SCHOOL

KAMRUP (M)

OFFICE SECRETARY

ALL ASSAM MIDDLE SCHOOL SCIENCE TEACHERS ASSOCIATION

R/O- NANDANPATH

SUMITRAPUR

BARSAJAI

BELTOLA

GHY

ASSAM

PIN- 781028

DIST.- KAMRUP (M)

COMMON ADDRESS OF CORRESPONDENCE C/O DIPAK BARMAN

R/O- NANDANPATH

SUMITRAPUR

BARSAJAI

BELTOLA

GHY

ASSAM

PIN- 781028

DIST.- KAMRUP (M)

VERSUS

THE STATE OF ASSAM AND 5 ORS

REP. BY THE SECY. TO THE GOVT. OF ASSAM, DEPTT. OF EDUCATION

(ELEMENTARY) ASSAM (CIVIL) SECRETARIAT, BLOCK-C, DISPUR, GHY,
ASSAM, PIN- 781006

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY
ASSAM
PIN- 781019

3:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
DEPTT. OF FINANCE
ASSAM CIVIL SECRETARIAT
DISPUR
GHY
ASSAM
PIN- 781006

4:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
ADMINISTRATIVE REFORM AND TRAINING DEPTT.
ASSAM CIVIL SECRETARIAT
DISPUR
GHY
ASSAM
PIN- 781006

5:THE NATIONAL COUNCIL FOR TEACHER EDUCATION
EASTERN REGIONAL COMMITTEE REP. BY ITS REGIONAL DIRECTOR
15 NILAKANTHA NAGAR
NAYAPALLI
BHUBANESWAR
ORISSA
PIN- 751012

6:THE DIRECTOR OF SCERT
ASSAM
KAHILIPARA
GHY
ASSAM
PIN- 78101

Advocate for the Petitioner : MR. A K DUTTA

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

01-02-2023

Heard Mr. B. Purkayastha, learned counsel for the petitioners and Mr. R. Mozumdar, learned Standing Counsel, Department of School (Elementary) Education, Assam for the respondent Nos. 1 and 2. Also heard Mr. A. Chaliha, learned Standing Counsel, Finance Department for the respondent No.3; Mr. G. Bokolial, learned Government Advocate, Assam for the respondent No.4; Mr. I. Alam, learned Standing Counsel, NCTE for the respondent No.5 as well as Mr. B. Gogoi, learned Standing Counsel, SCERT for the respondent No.6.

The contentions of the petitioners are that they are Science Graduate Teachers serving in different provincialised Upper Primary Schools of the State.

It is stated that the State Government in the Elementary Education Department pursuant to the Government letter No.AEE-591/2013/48 dated 05.01.2015 granted an additional amount of Rs.200/- to those Graduate Arts and Commerce Teachers on obtaining their Certificate for Primary Education with their Grade Pay as per the provisions of the Revision of Pay Rules, 2010, whereas the petitioners have been deprived from such benefit of pay though they have completed such Certificate Course in Primary Education conducted by the IGNOU, in distance mode.

Earlier, the petitioners filed a representation before the State Government in the Elementary Education Department for consideration of their claim of additional benefit of Rs.200/- and a special increment of 3%.

As the said representation of the petitioners was not considered they approached this Court by preferring a writ petition, being WP(C) No. 5977/2017 and the Court after hearing the learned counsels for the parties, by order dated 11.04.2018 directed the respondent authorities therein, more particularly the District Elementary Education Officer, Dhubri to examine the claim of the petitioners made in their representations dated 06.01.2016 and 10.04.2017 and take a decision thereon within a period of 3 (three) months from the date of receipt of certified copy of the said order.

However, the State Government in the Elementary Education Department vide communication No. PMA.376/2016/Pt/61 dated 01.08.2019 informed the Director of Elementary Education, Assam with due reference to the endorsement of Finance (PRU) Department communicated vide their U.O.No.FPC.136/2019 dated 20.07.2019 regretting and expressing its inability to agree with the proposal of granting special increment of 3% to those teachers who have completed the Course of Certificate in Primary Education, since there is no recommendation of the 7th APPPC in that regard.

Being aggrieved with the said communication dated 01.08.2019 of the State Government in the Elementary Education Department, the petitioners have filed this writ petition on 17.12.2022, after more than 3 years from the date of issuance of the said order dated 01.08.2019 without explaining such delay, praying amongst others to set aside and quash the said order dated 01.08.2019 issued by the State Government in the Elementary Education Department.

By filing an additional affidavit the petitioners shall place before the Court the relevant documents whereby such 3% incremental benefit with the Basic Pay structure was accorded to the trained Graduate Teachers by the authorities

in the Elementary Education Department as well the Finance Department of the State.

Registry shall list this matter for motion only after filing of such affidavit by the petitioner, as directed above.

JUDGE

Comparing Assistant