

GAHC010267092022



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

Case No. : WP(C)/8437/2022

SYED SHAH KAMAL SHAH
S/O LATE SYED SHAHAN SHAH, R/O VILL- BANBARI, P.O.-BHELLA, DIST-
BARPETA, PIN-781309

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EDUCATION DEPARTMENT (SECONDARY),
DISPUR, GUWAHATI, ASSAM

2:THE DIRECTOR OF SECONDARY EDUCATION
KAHILIPARA
GUWAHATI-19

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

4:THE INSPECTOR OF SCHOOLS
BARPETA DISTRICT CIRCLE
BARPETA
DIST-BARPETA
ASSAM

5:THE SCREENING COMMITTEE
CONSTITUTED UNDER ASSURED CAREER PROGRESSION SCHEME
2011 REPRESENTED BY ITS CHAIRPERSON CUM INSPECTOR OF SCHOOLS
BARPETA DISTRICT CIRCLE
BARPETA
DIST-BARPETA

ASSA

Advocate for the Petitioner : MR. D CHOUDHURY

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

02.01.2023

Heard Mr. T Chakraborty, learned counsel for the petitioner and Mr. B Koushik, learned Standing counsel, Education Department, Assam for the respondent Nos. 1, 2, 4 & 5. Also heard Mr. A Chaliha, learned Standing counsel, Finance Department, Assam for the respondent No. 3.

Matter pertains to non-payment of benefit of Assured Career Progression Scheme (ACPS) of the State Government in its Finance Department to the petitioner.

Pursuant to an advertisement issued by the Director of Secondary Education, Assam for the post of Graduate Science Teacher for secondary schools in the pay scale of Rs.1375/- - Rs.3375/- per month as advertised on 03.09.1991, the petitioner being eligible applied for the same and on being selected by the District Level Selection Board, District-Barpeta on 28.03.1992 he was appointed as an Assistant Teacher of Science in the pay scale of Rs. 1185/- - Rs. 2395/- per month (in the intermediate scale of pay) in Nehru Girls High School in the district of Barpeta.

On being selected, the Director of Secondary Education, Assam by an order dated 05.08.2017 appointed the petitioner as Assistant Headmaster in Nehru Girls High School, District-Barpeta.

During his period of service as an Assistant Teacher in said Nehru Girls High School since April, 1992 to 05.08.2017, the petitioner did not received any financial benefit under the said ACP Scheme.

Hence, this writ petition.

Issue Rule, returnable by **8(eight) weeks**.

As Mr. B Koushik, learned Standing counsel, Education Department, Assam as well as Mr. A Chaliha, learned Standing counsel, Finance Department, Assam have accepted notices on behalf of the respondent Nos. 1, 2, 4, 5 and 3 respectively, no formal notice need be issued to those respondents.

Petitioner shall serve requisite extra copies of this writ petition including the Annexures appended thereto to Mr. B Koushik, learned Standing counsel, Education Department, Assam as well as Mr. A Chaliha, learned Standing counsel, Finance Department, Assam by 03.01.2023, obtaining necessary acknowledgements from them in that regard.

Pendency of this writ petition shall not be a bar for the respondent authorities to consider the case of the petitioner to grant him the financial benefit in terms of the Assured Career Progression Scheme of the State Government in the Finance Department, as per his entitlement in accordance with law, if there are no other impediments in releasing the same to him.

List accordingly.

JUDGE

Comparing Assistant