

GAHC010167732025



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

Case No. : WA/284/2025

BASANTA BARMAN
SON OF LATE GOPI RAM BARMAN, R/O VILLAGE KHARUAJAN, P.O
KHARUA, P.S BARAMA, DIST- BAKSA (BTR), ASSAM, PIN-781346.

VERSUS

THE STATE OF ASSAM AND ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, SCHOOL EDUCATION DEPARTMENT , DISPUR,
GUWAHATI-06.

2:THE FINANCE SECRETARY
FINANCE DEPARTMENT TO THE GOVT OF ASSAM
DISPUR GUWAHATI-6

3:THE DIRECTOR
SECONDARY EDUCATION
ASSAM KAHILIPARA GUWAHATI-19

4:THE DIRECTOR OF EDUCATION
BTC P.O. AND DISTRICT- KOKRAJHAR
BTR ASSAM

5:THE INSPECTOR OF SCHOOLS
BDC MUSHALPUR
P.O.-MUSHALPUR
DISTRICT- BAKSA B.T.R ASSAM

6:THE PRINCIPAL
BARAMA HS SCHOOL
BARAMA
P.O.-BARAMA
DIST- BAKSA (BTR) ASSAM.

7:THE TREASURY OFFICER
MUSHALPUR
P.O.-MUSHALPUR
DISTRICT- BAKSA B.T.R ASSA

Advocate for the Petitioner : SEHANAZ LASKAR, MR S ABDULLAH

Advocate for the Respondent : , SC, BTC,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 15.09.2025
(M. Zothankhuma, J)

Heard Mr. A. R. Bhuyan, learned counsel for the appellant and Ms. H. Baruah, learned counsel appearing on behalf of Mr. P. Nayak, learned counsel for the BTC.

2. This appeal has put to challenge the impugned order dated 03.08.2023, passed in WP(C) 3930/2023, by which the appellant's prayer for being granted regular salary for his service period as an honorary teacher from 12.07.2000, on the basis of the order dated 12.07.2000, till the regularization of his service, vide order dated 31.03.2022, has been dismissed.

3. The learned Single Judge, vide the impugned order dated 03.08.2023, had held that the appellant, having accepted the terms and conditions of the appointment order dated 12.07.2000 as an honorary subject teacher, he could not retract from the same without challenging his appointment order dated 12.07.2000. Further, the writ petition had been filed only on 30.06.2023, i.e. after 23 years of service as an honorary teacher, claiming arrear salary from

12.07.2000 till the date of regularisation of his service.

4. Ms. H. Baruah, learned counsel appearing on behalf of Mr. P. Nayak, learned counsel for the BTC, on the other hand, submits that there is no infirmity with the decision of the learned Single Judge and the same has to be upheld.

5. As can be seen from the records, the appellant was appointed as a subject teacher for Logic and Philosophy on an honorary basis by the Principal of Barama Higher Secondary School, Barama, the contents of which are reproduced below as follows:-

*“From - Banikanta Chakravorty, B.Sc.,
B.T. Principal, Barama H.S. School.*

As per G.B’s Resolution No. 6 dated 03.03.2000, Sri Basanta Barman is appointed as a Subject Teacher in the subject of Logic & Philosophy as honorary basis in Barama H.S. School, Barama.

*Sd/ Sri Banikanta Chakravorty, B.Sc.,
Principal
Barama H.S. School, Barama”*

6. The regularization of the appellant’s service had been done, vide order dated 31.03.2022, wherein it has been specifically stated that his regularization, along with the Scale of Pay and Grade Pay and other allowances, would be with prospective effect from the date of issue of the order dated 31.03.2022. The regularization order dated 31.03.2022 is reproduced herein below as follows :-

“In accordance with the approval of the Secretary Education Department, BTC vide letter No. BTC/Bdn(EI)-118/2018/HC/249 dtd. 25th March/2022 and in pursuance of letter No. GB-EST/DSE/CC/12/2021/272 dated 08-12-2021 of the Director of Secondary Education, Assam, Kahilipara, Guwahati-19 and in compliance of Hon’ble Gauhati High Court Order dated 15-12-2020 passed in WP(C) No. 5032/2018, the service of Sri Basanta Barman, S/o. Late, Gopi Ram Barman, Vill- Kharunjan, P.O. Kharus, Dist. Baksa, Pin-781346 is hereby regularized against the post of Post Graduate Teacher in Logic & Philosophy converted from the post of Post Graduate teacher in Assamese in the scale of pay (PB-3) of Rs. 22,000/- to Rs. 87,000/- and Grade pay Rs: 11,800/- p.m. plus other allowances as admissible under the Govt. Rule and posted at Barama H.S. School, Barama with prospective effect from the date of issue of the order.

This has the approval of the Govt vide letter No.ASE. 11/2021/262, dtd. 15 November/2021 and also has concurrence of the Finance (SIU) department communication vide U/O. No. FS1.406/2021 endorsement dated 28-10-2021. Finance (EC-III) Department vide U/O. 686/2021, dated. 29-10-2021 and views of Judicial department vide U/O No. 426/2021, dated. 12-04-2021.

As per letter of the Finance (B) Department No. BW/3/2003/Pt-II/1, dtd. 25-1-2005 the candidate appointed as stated above shall furnish an undertaking along with joining report to the Head of the Institution concerned which read as follows.

"I understand and accept that the Govt. Servant joining the service in the State Govt. on or after 01-02-2005 shall not be governed by the existing Assam Service (pension) rules, 1969 and order issued there under from time to time and that the pension and other retirement benefit will be governed by a set-up new pension rules which are being formulated in the line with the contributory pension scheme of the Govt. of India going to be notified in due course."

7. The order dated 31.03.2022, giving regularization to the appellant’s service along with his Scale of Pay and allowances, has been made only with prospective effect from 31.03.2022. No challenge to the said order dated 31.03.2022 has been made by the appellant till date. On account of the fact that the order dated 31.03.2022 has attained finality as on date, without any

challenge being made to the same by the appellant, we do not find any ground to interfere with the impugned order dated 03.08.2023 passed by the learned Single Judge.

8. The appeal is accordingly dismissed.

JUDGE

JUDGE

Comparing Assistant