

(1997) 11 GAU CK 0038
In the Gauhati High Court
Case No : Civil Rule No. 415 of 1997

Shyam Charan Bhuyan

APPELLANT

Vs

State of Assam and Others

RESPONDENT

Date of Decision : 06-11-1997

Acts Referred:

Citation : (1998) 3 GLT 253

Hon'ble Judges : D.N. Chowdhury, J

Bench : Single Bench

Advocate : M.K. Choudhury and P.C. Kalita, for the Appellant; K.H. Choudhury, for the Respondent

Judgement

D.N. Chowdhury, J.—By this application, the Petitioner has sought for a writ of mandamus commanding the Respondents to provide the Petitioner the pay scale of Manual Instructor as shown under the head "Miscellaneous Post in Schools and Colleges in revision of pay rules with consequential benefits.

2. The Petitioner was working in Bongaon Higher Secondary School as Craft Teacher w.e.f. 2.4.63 and worked as such till the date of his superannuation i.e. on 1.3.97. The only grievance of the Petitioner is that under the revision of pay scale ROP 1973 the post of Craft Teacher was shown under the head of the "Miscellaneous Post in Schools and Colleges" and it was accepted to be a post of Manual Instructor the Petitioner as such has claimed that in terms of the aforesaid ROP 1973 he was entitled to get Manual Instructor but the Petitioner was paid the scale of Craft Teacher under the head of "LP/Junior Basic/Pre-Primary Schools". By the ROP 1990 the Manual Instructor is described as Craft teacher under the head of "Misc. Post in Schools and Colleges" but the post of the Craft teacher has been shown under the head of "LP/Junior Basic/ Pre-Primary Schools". The Petitioner has stated that the above position was accepted by the State Government. In support of his contention the case of Nikhti Chandra Das Craft Teacher has been cited whereby he was allowed Pay Scale of Rs. 325/- to Rs. 650/- and was redesignated as Manual Teacher by Government bearing

Annexure-I dated 27th Sept '93. The aforesaid person Shri Das of the pay scale of Rs. 325-650/- p.m. was working as Manual Instructor of S.V. Vidhya Niketon Higher Secondary School, Nilambazar, Karimganj with effect from 1.1.73. The Petitioner also submitted a representation before the authority claiming the said benefit, The authority caused a proper enquiry about the matter and on enquiry the Inspector of Schools furnished a detailed report:

With reference to the subject cited above, I have the honour to furnish herewith a detailed report below regarding conversion of post of Craft Teacher to Manual Instructor of Bangaon H.S.S. for favour of your information and necessary action.

Shri Shyam Charan Bhuyan has been working as Craft Teacher since 2.4.63 and his present scale of pay is Rs. 1,065-2095/- P.M. and present basic pay becomes Rs. 2155/-, as reported by the Principal, there are 108 Nos. students from Class-V to VII offering Craft stream, the School not yet introduced the craft in the upper classes that in lack of accommodation and hence no student of craft subject has appeared in the HSLC Examination, so far. However, the post may be converted/ redesignated as Manual Instructor as the incumbent has been rendering his service for a long period viz. from 2.4.63.

The above matter is yet to be implemented and hence this petition.

3. Mr. M.K. Choudhury, learned counsel for the Petitioner has submitted that when similar benefit is given to the others the Petitioner should not be singled out and hence it is a case of which discrimination of the Petitioner in not giving him the benefit. Since representation was filed before the Director of Schools, Kahilipara who is the competent authority, the Director of Secondary Education, Assam is accordingly directed to dispose of the matter within two months from the date of receipt of the certified copy of this order in accordance with law by a reasoned order. The Petitioner shall take steps to furnish the copy of the order along with the copy of the writ petition to the Director of Secondary Education, Assam.

This disposes of the writ petition.