WP(C) 8208/2004
BEFORE
HON'BLE MR. JUSTICE HRISHIKESH ROY

None appears for the two petitioners, who are represented by common counsel. Even on 1.3.2011, when the cases were to be heard, because of the absence of the advocates for the petitioners, the cases had to be adjourned.

2)   However, with the assistance of Mr. MK Mishra and Mrs. M.Gogoi Medhi, the 2 departmental counsels, the records were perused and the following facts are culled out:

3. i)   The petitioner in WP'No.8207/04 (Smt. Swarnalata Mahanta) was appointed as an Assistant Teacher on 20.1.1994 by the District Elementary Education Officer, Kamrup (Annexure-1) and she was posted at the Kamarkuchi ME School. She was appointed temporarily for a period of 4 months in anticipation of approval of the Sub-Divisional Advisory Committee. Subsequently, she was transferred on 9.1.1996 to the Geetanagar ME School, where she joined on 10.1.1996. As her salaries from July, 1999 remained unpaid because of non-retention of her post, she was adjusted in a vacant post in the Railway Colony LP School. During the screening process by the Zonal Screening Committee, the name of the petitioner was enlisted at Sl. No. 81 in the category of irregular teachers. Subsequently, her services were regularized w.e.f. 1.8.2000 in pursuant to the Govt. Letter dated 10.8.2000.
3.ii)   The petitioner in WP'No.8208/04 (Smt. Sabittri Khattoniar) was appointed similarly as an Assistant Teacher on 7.1.1994 by the District Elementary Education Officer, Kamrup (Annexure-1) and she was posted at the Lokapriya Boordoloi Vidyalaya ME School. She too, was initially appointed temporarily for a period of 4 months in anticipation of approval of the Sub-Divisional Advisory Committee. Thereafter, the service of the petitioner was adjusted in the Natun Sarania LP School, but she claims to be rendering services in her original school i.e. at Lokapriya Boordoloi Vidyalaya ME School.

4)   Both the petitioners are aggrieved by stoppage of their salaries for last several years.

5)   The departmental counsels point out that the appointments of the petitioners were not regular and they were appointed temporarily for a period of 4 months and although initially their services were extended from time to time, extension was subsequently not granted because of non-retention of their posts. Eventually, both the petitioners were shown adjusted in vacant posts in other schools.

6)   As regards, the claims for arrear and current salaries made by the petitioners, the learned standing counsels refer to the decision of this Court in Sudhendu Mohan Talukdar & ors vs. State of Assam & ors reported in 2006(2) GLT 216, to submit that since a High Power Committee is constituted by the Government is examining the grievances of teachers, who have not been paid salaries, the claims of the petitioners herein may also be referred for examination by the said Committee, which is functioning in pursuant to the Court's order in Sudhendu Mohan(supra).

7)   Since, no one is present from the side of the petitioners, it would have been in the fitness of things to dismiss the cases for non-prosecution. But, considering the fact that a committee is entrusted to examine the grievances of unpaid salary of teachers and necessary factual foundations are not available before the writ Court to adjudicate on the entitlement of the claims for salaries, I am of the considered opinion that instead of dismissing the writ petitions, the cases of the petitioners should be ordered to be examined by the High Power Committee constituted under the Court's order. Accordingly, the responden

ts are directed to facilitate examination of the petitioners' claims for salaries by the said Committee.

8)   For carrying out the exercise, the petitioners may furnish all the relevant particulars with their respective representation(s) before the Commissioner & Secretary to the Govt. of Assam, Deptt. of Elementary Education, who in turn will place the matters for consideration by the concerned Committee.

9)   The writ petitions stand disposed of with the above order.