

THE HON'BLE MR JUSTICE I.A. ANSARI

Heard Mr. HRA Choudhury, learned Senior counsel, for the petitioner, which is a Society registered under the Societies Registration Act. The said Society is, in fact, an association of All Second Post Teachers of Junior Colleges in Assam. The said Society is, now, known as All Assam Junior College Second Post Teacher' Association. Heard also Mr. A.J. Abedin, learned Standing Counsel, Education Department, for the respondent Nos.2 and 4, Mr. B. Gogoi, learned Standing Counsel, Finance Department, for the respondent No.3 and Mr. HK Barman, learned Govt. Advocate, for the respondent No.1.

By making this application, under Article 226 of the Constitution of India, the petitioner has put to challenge the manner of distribution of financial assistance, which the Government has granted to the venture educational institutions. The guidelines, with regard to implementation of the policy, is contained in the letter, dated 12.01.2011, issued by the respondent No.2.

By the impugned letter, dated 12.01.2011, what the Government has done is that it has given financial assistance in respect of Principals, lecturers and employees of Grade-III and Grade-IV of Junior Colleges, the remuneration of the Principal being Rs.6500/- per month, the remuneration of lecturer being Rs.3000/- per month and of the Grade-III and Grade-IV being Rs.3000/- per month and Rs.2000/- per month respectively.

In the light of the letter, dated 12.01.2011, aforementioned, the Government has also given the staffing pattern of the Junior Colleges for whom financial assistance has been provided. The relevant portion of the staffing pattern reads as follows:

As per AHSEC regulations on recognition Rule there shall be at least one teacher in each subject in each section of Arts, Commerce and Science streams and at least two teachers in each Science subject involving laboratory practical classes. The present arrangement of one teacher and one demonstrator with honours in the subject in degree course serving in HS Schools shall continue until the Demonstrators are upgraded to teacherships. In case of Biology, one teacher each for Botany and Zoology. For commerce stream, one teacher each for English, MIL Economics and three teachers for Commerce elective subject. Category of post

Arts	Science	Commerce	
	Principal	1	1
	Lecturer	8	7
	Demonstrator/subject teacher		6
	LDA	2	2
	Library Asstt.	1	1
	Lab bearer(sub. having practical)		3
	Grade-IV	3	3
	TOTAL	15	20
			13

The staffing pattern clearly shows that there would be one Principal and eight numbers of lecturers. It is also clear from the staffing pattern that in Arts and Commerce, there shall be, at least, one teacher in one subject and as far as Science stream is concerned, there shall be, at least, two teachers involving laboratory practical classes.

As the staffing pattern, in the scheme of financial assistance, covered by letter, dated 12.01.2011, does not cover the second post of teachers, the petitioners have filed this writ petition, under Article 226, seeking issuance of appropriate directions to the respondents to distribute the total amount of financial assistance to all those, who have been working in the Junior Colleges. This has been resisted by the State respondents.

Considering the fact that the financial assistance gives not only the staffing p

attern, but also the remuneration, which would be paid to the lecturers, it becomes clear that the financial assistance cannot be made available except to those for whom the financial assistance is meant. There is no inherent or indefeasible right in the petitioner to demand that they ought to be covered by the scheme of financial assistance.

In view of the fact that the giving of financial assistance would involve payment of money and when the Government has fixed the remunerations, it would not be appropriate for this Court to modify the amount of remunerations by increasing or decreasing the same.

Thus, when the amount of remuneration cannot be altered, the question of giving direction to distribute financial assistance granted by the State Government not only amongst those for whom the financial assistance is meant, but also amongst those, who are not covered by the Government scheme, does not arise.

Because of what have been discussed and pointed out above, this Court does not find that the petitioner has been able to make out any case warranting this Court's interference in exercise of its power under Article 226 of the Constitution of India with the impugned guidelines contained in the letter, dated 12.01.2011.

The writ petition, therefore, fails and the same shall accordingly stand dismissed.

No costs.