GAHC010209722026

2026:GAU-

AS:15343-DB

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

Case No. : WA/380/2026

SHRI RAMKRISHNA PAUL
S/O LATE JATINDRA NATH PAUL, R/O.- VILLAGE- KUROBAHA PATHAR, P.S. BARPETA, P.O. KUROBAHA, DIST. BARPETA, ASSAM -781352.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, EDUCATION (ELE) DEPARTMENT, DISPUR, GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

4:THE INSPECTOR OF SCHOOLS
BAJALI
PATHSALA
DISTRICT-BARPETA
ASSAM.

5:THE DEPUTY INSPECTOR OF SCHOOLS
BAJALI
PATHSALA

DISTRICT BARPETA
ASSAM

Advocate for the Petitioner : MR R DHAR, MR. PANKAJ RABHA,MR. B B KAKATI,MR N N UPADHYAYA

Advocate for the Respondent : SC, ELEM. EDU, SC, FINANCE DEPTT.

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

12.10.2026

(S.K. Medhi, J)

The appellant, who by means of this appeal has put to challenge an order dated 20.08.2026 passed by the learned Single Judge in WP(C)/2006/2026. By the said order, the writ petition has been dismissed.

2. We have heard Shri R. Dhar, learned counsel for the appellant. We have also heard Shri S.K. Talukdar, learned Standing Counsel, Elementary Education Department.

3. Before going to the grounds of challenge, it would be convenient if the brief facts of the case are put on record.

4. As per the facts projected in the writ petition, the father of the appellant was working as an Assistant Teacher who had died in harness and accordingly, the petitioner had prayed for appointment on compassionate ground. The said application was considered and the petitioner was appointed vide an order dated 23.03.2001 as a Stipendiary Teacher with stipend of Rs.1800/- (Rupees One thousand Eight Hundred) only per month. After completion of the Junior Basic Training Course, the petitioner vide order dated 12.10.2004 was authorised to draw his pay and allowance in the scale of pay prescribed. The service of the petitioner was thereafter confirmed vide

order dated 17.08.2007 and he had continued in service.

5. A writ petition was instituted after 18 years whereby a relief has been sought to enable him the scale of pay from the date of his initial appointment. The initial writ petition WP(C)/5463/2019 was however withdrawn and the present writ petition was filed.

6. The learned Single Judge, after considering the facts and circumstances had come to a consideration that there were no grounds for seeking the relief as the initial appointment was admittedly made on stipendiary pay and the scale of pay was given to the petitioner only after completion of the Junior Basic Examination.

7. Shri Dhar, the learned counsel for the appellant has submitted that appointments similarly made on compassionate ground were not done on stipendiary basis but on regular scale of pay and only the petitioner was discriminated. On the other hand, Shri Talukdar, the learned Standing Counsel has submitted that the approach of the petitioner to the Writ Court is itself belated and the delay is inordinate and without any proper explanation.

8. After going through the judgment of the Hon'ble Single Judge, we are of the opinion that the reasons cited for dismissing the writ petition are cogent which do not require any interference.In the case of ***Management of Narendra & Company Pvt. Ltd. vs. Workmen of Narendra & Company*** reported in ***(2016) 3 SCC 340,*** the Hon'ble Supreme Court has laid down that in an intra-Court appeal, the scope of interference is limited and unless there is a perversity or error which is palpable, interference should not be made in a routine manner. The relevant part of the judgment is extracted herein below:

> *"4…….Be that as it may, in an intra-court appeal, on a finding of fact, unless the appellate Bench reaches a conclusion that the finding of the Single Bench is perverse, it shall not disturb the same. Merely because another view or a better view is possible, there should be no interference with or disturbance of the order passed by the Single Judge, unless both sides agree for a fairer approach on relief."*

9. Considering the above, we do not find any grounds to interfere with the judgment and accordingly, the appeal is dismissed.

JUDGE JUDGE

Comparing Assistant