

GAHC010003992026



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

Case No. : WP(C)/364/2026

ANOWAR HUSSAIN
SON OF LATE MANAR ALI, RESIDENT OF VILLAGE- PANIGAON, P.O.
PANIGAON, P.S. BELSOR, DISTRICT- NALBARI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, PUBLIC WORKS DEPARTMENT, DISPUR,
GUWAHATI- 6.

2:THE CHIEF ENGINEER
P.W.D. (ROADS)
ASSAM
CHANDMARI
GUWAHATI-3.

3:THE EXECUTIVE ENGINEER
P.W.R.D.

NALBARI DISTRICT TERRITORIAL ROAD DIVISION
NALBARI ASSAM

4:THE DISTRICT COMMISSIONER
NALBARI
P.O. AND DIST. NALBARI
ASSA

For the petitioner (s) : Mr. R. Ali, Advocate

For the respondent (s) : Mr. P. Nayak, Advocate
Mr. D. Borah, Govt. Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

30.01.2026

Issue notice making it returnable on 27.02.2026.

2. Mr. P. Nayak, the learned counsel accepts notice on behalf of the respondent Nos.1, 2 & 3 and Mr. D. Borah, the learned counsel accepts notice on behalf of the respondent No.4. Extra copies of the writ petition be served upon them during the course of the day.

3. The grievance of the petitioner herein is that the respondent No.3 has issued a superannuation notice that the petitioner would retire w.e.f. 31.03.2026.

4. It is the case of the petitioner that the petitioner's date of birth is 01.12.1973 which date of birth is also reflected in the PAN card, Aadhaar card, etc. However, at the time of regularization of the petitioner, the date of retirement of the petitioner was put as 31.03.2026, and it is on the basis thereof, the superannuation notice has been issued. It is the further case of the petitioner that the petitioner, on coming to learn about the said aspect, had submitted a representation on 25.11.2025 for making necessary correction in as much as, as per the service

book the date of retirement of the petitioner is 30.11.2033. An inquiry process is going on, but in the midst of that, the impugned superannuation notice has been issued. It is under such circumstances the petitioner is before this Court.

5. The respondents are directed to carry out the enquiry on the basis of contemporaneous records as to why the date of retirement in the regularization order has been put as 31.03.2026. Further to that, the respondents shall also make an enquiry as to why in the service book, the date of birth being 31.03.1966 was struck off and subsequently 01.12.1973 was inserted. An affidavit in that regard be filed on or before 23.02.2026.

6. The matter requires an urgent disposal taking into account that the petitioner is otherwise going to retire on 31.03.2026. Under such circumstances, the respondents are therefore directed to file the affidavit on or before the date fixed hereinabove without fail.

7. List accordingly.

JUDGE

Comparing Assistant