

GAHC010010242025



2026:GAU-AS:3113

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

Case No. : WP(C)/356/2025

RISHI KUMAR UPADHYAYA
S/O- LATE JAGANNATH UPADHYAYA, RESIDENT OF VILL- NO. 1
BHURBANDHA, P.O.- BORGHULI, DISTRICT- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF ASSAM, SCHOOL EDUCATION (SECONDARY) DEPARTMENT,
DISPUR, GUWAHATI-6

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE INSPECTOR OF SCHOOLS
NAGAON DISTRICT CIRCLE (NDC)
NAGAON
P.O. AND DISTRICT- NAGAON
ASSAM
PIN- 782001

4:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6

5:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
BELTOLA
GUWAHATI-29

6:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
DISPUR
GUWAHATI-

Advocate for the Petitioner : MR. N HAQUE, MR K UDDIN,MR. A K AZAD,MR M
HUSSAIN,MR. S R BARBHUIYA

Advocate for the Respondent : SC, SEC. EDU., SC, AG (A AND E),SC, FINANCE DEPTT.,GA,
ASSAM

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 27-02-2026

Heard Mr. AK Azad, learned counsel for the petitioner. Also heard Mr. B Kaushik, learned Standing Counsel, Secondary Education Department appearing for respondent Nos. 1 to 3, Ms. RM Barooah, learned Standing Counsel, Finance Department appearing for respondent No. 4, Mr. B Chakraborty, learned Standing Counsel, Accountant General as well as Mr. G Pegu, learned Additional Senior Government Advocate appearing for the respondent No. 6.

[2] Despite giving several chances, the respondents have not come up with the counter-affidavits, except respondent No. 2. Today once again, time has been sought for by the counsels for the respondents. However, considering the nature of grievance projected by the petitioner and the materials, which are available before this Court, this Court is of the considered view that the writ petition can be disposed of at this stage.

[3] The petitioner earlier approached this Court by filing WP(C) 5012/2015,

which came to be disposed of on 24.08.2023 by setting aside the order dated 30.06.2015 by which the provincialisation of the service of the petitioner was withdrawn.

[4] Following the disposal of the writ petition in the above manner, the petitioner sought for release of his arrear salary, which according to him amounts to Rs.8,73,061/- for the period from June 2014 to February 2017. The same having not been paid to him, he has filed the instant writ petition.

[5] The respondent No. 2 in the affidavit-in-opposition filed on 10.12.2025 has enclosed a copy of the letter dated 25.11.2025 written by the Inspector of School, NDC, Nagaon to the Director, Secondary Education reporting the fact that the petitioner has been serving and working till the last date of his retirement, i.e., 31.01.2019 from the date of joining as Hindi Teacher, Borghuli High School. It is seen that a copy of the said communication has also been made to the Secretary to the Government of Assam, Department of School Education and also to the District Commissioner, Nagaon for information. Further, the respondent No. 2 at paragraph 12 of the counter-affidavit has stated that pursuant to the report from the Inspector of School, NDC, Nagaon the file has been placed before the Government for appropriate instructions and the same is awaited.

[6] In view of above, the writ petition is disposed of with a direction to the respondent No. 1, i.e., Commissioner & Secretary to the Government of Assam, School Education (Secondary) Department to consider and take into account the prayer made by the petitioner, particularly in the light of the report, which has already been submitted by the Inspector of School, NDC, Nagaon on 25.11.2025. Upon such consideration, if the petitioner is found to be entitled to

receive the arrear salary as claimed by him, sanction for the same be made without further delay having regard to the fact that the petitioner had already retired from service on 31.01.2019. The entire exercise shall be carried out within a period of 2 (two) months from the date of receipt of a certified copy of this order. The Government's sanction shall be conveyed to the Director, Secondary Education, who shall be responsible for disbursal of the due amount to the petitioner.

JUDGE

Comparing Assistant