

GAHC010034122026



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

Case No. : WP(C)/1214/2026

BIPLAB NATH
S/O LATE BINOD BEHARI NATH, R/O VILLAGE- LINK ROAD, LANE NO 10,
P.O.- SILCHAR, DISTRICT- CACHAR, ASSAM, PIN- 788001

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, DEPARTMENT OF SECONDARY EDUCATION, DISPUR,
GUWAHATI 6

2:THE MISSION DIRECTOR
RASTRIYA MADHYAMIK SIKSHA ABHIJAN
KAHILIPARA
GUWAHATI -19

3:THE DISTRICT MISSION COORDINATOR
CACHAR
PO- SILCHAR
DIST- CACHAR
ASSAM
PIN- 788001

4:THE PRINCIPAL
OF SRI RAJA GCM HIGHER SECONDARY SCHOOL
BARKHOLA
PO- BARKHOLA
DISTRICT- CACHAR
ASSAM
PIN- 788001

5:THE PRESIDENT
SCHOOL MANAGING COMMITTEE
SRI RAJA GCM HIGHER SECONDARY SCHOOL

BARKHOLA
PO- BARKHOLA
DISTRICT- CACHAR
ASSAM
PIN- 788001

6:THE TREASURY OFFICER
CACHAR
SILCHAR
P.O. SILCHAR
DISTRICT- CACHAR
ASSAM
PIN- 78800

Advocate for the Petitioner : MR. A R SIKDAR, J A SIKDAR,MR. Z H BORA,MR. S I TALUKDAR

Advocate for the Respondent : SC, SEC. EDU., SC, FINANCE,SC, SSA

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 06.03.2026

Heard Mr. A. R. Sikdar, learned counsel for the petitioner, who submits that the petitioner retired as the Principal of Raja GCM H. S. School on 31.12.2023 and for the period between 01.12.2017 up to the date of his retirement on account of link failure and there being no other staff to rely upon, the petitioner had no option but to spend his own money for the purpose of providing Mid-Day-Meal to the students of Class – VI to Class – VIII. He submits that although fund was available but due to the aforesaid reason the amount could not be drawn and hence, the petitioner ended up spending an amount of Rs.1,16,960/- for the Mid-Day-Meal. The petitioner therefore, after his retirement submitted an application to the District Mission Coordinator, Cachar (respondent No. 3), through the Principal of the said School seeking refund of the amount spent by him. The Principal in turn forwarded the application to the respondent No. 3 on

20.12.2024, itself. However, despite the same, as the amount has not been refunded to the petitioner, the petitioner is before this Court through this instant writ petition.

In view of above, issue notice of motion, returnable by four (4) weeks.

Mr. U. Sarma, learned Standing Counsel, Secondary Education Department, accepts notice on behalf of the respondent No. 1; Mr. B. Choudhury, learned Standing Counsel, SSA, accepts notice on behalf of the respondent Nos. 2 & 3 and Ms. R. M. Barooah, learned Standing Counsel, Finance Department, accepts notice on behalf of the respondent No. 6.

Petitioner to serve requisite extra copies of the writ petition to the learned Standing Counsels appearing for the respondents, within two (2) working days.

Petitioner to take steps for service of notice upon the respondent Nos. 4 & 5 by speed post within a period of three (3) working days.

List the matter again on 22.04.2026.

Pendency of the writ petition shall not be a bar for the respondents to consider and dispose of the representation of the petitioner.

JUDGE

Comparing Assistant