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

Case No. : WP(C)/1215/2026

GULSHANA AKTAR CHOUDHURY AND ANR
W/O NAZRUL HAQUE LASKAR, ASSISTANT TEACHER, AT HAMID RAJA
MEMORIAL M.V. SCHOOL, R/O HAILAKANDI TOWN WARD NO. 8, P.O, P.S
AND DIST- HAILAKANDI, ASSAM

2: ANWARA BEGUM CHOUDHURY
W/O NIZAM UDDIN LASKAR
ASSISTANT TEACHER AT BASHBARI M.E. SCHOOL
HAILAKANDI. R/O VILLAGE- BORJURAI
P.O- BOALIPAR BAZAR
P.S AND DIST- HAILAKANDI
ASSA

VERSUS

THE STATE OF ASSAM AND 4 ORS
THE SECRETARY TO THE GOVT. OF ASSAM, SCHOOL EDUCATION
DEPARTMENT DISPUR, GUWAHATI-6

2: THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPT.
DISPUR
GUWAHATI-6

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

4: THE DISTRICT ELEMENTARY EDUCATION OFFICER
HAILAKANDI
P.O
P.S AND DIST- HAILAKANDI

ASSAM.

5:THE TREASURY OFFICER
HAILAKANDI
P.O
P.S AND DIST- HAILAKANDI
ASSA

Advocate for the Petitioner : MR. A M BARBHUIYA, MS S R MAZARBHUIYA,MS A BEGUM

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

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 21.05.2026

Heard Mr. A.M. Barbhuiya, learned Counsel for the petitioner and Ms. B. Deka, learned Standing Counsel for Elementary Education.

By this application filed under Article 226 of the Constitution of India, the petitioners have prayed for a writ of mandamus directing the respondents to release the arrear salary of the petitioners from 01.11.2020 to 28.02.2023 at the rate of 10,800/- per month.

The case of the petitioners is that they were accommodated as Tutor in LP/UP School on temporary basis in fixed wages at the rate of 10,800/- per

month under the Deputy Inspector of School/ District Elementary Education Officer at Hailakandi District with effect from 01.11.2020. Pursuant to the said order, the petitioners have joined in their respective services. However, it is stated that the petitioners did not get their salary with effect from 01.11.2020 as stated in the appointment order till 28.02.2023 but it is also stated that from March, 2023, the petitioners are getting their salaries. The grievance of the petitioners is that despite the appointment of the petitioners as Tutors were made with effect from 01.11.2020 vide order dated 23.09.2022 but they were not paid salary at all for the said period as stated above. Although they were paid their current salary but their arrear salary as stated above has not been paid to them. It was also stated in the said appointment letter dated 23.09.2022 that the appointment was issued in concurrence with the finance department, with the further stipulation that any past service prior to 01.11.2020 will not be taken into account for any service benefits in respect of the petitioners. Although the said post held by the petitioners were personal to them but the authorities having utilized their service cannot deny them the basic pay attached to the said post.

In view of the short question involved, this writ petition is disposed of with the direction that the petitioners shall make individual representations before the Director of Elementary Education, Assam within a period of 10 days from the date of receipt of this order and the Director of Elementary Education, Assam shall consider the representation and dispose of the same after verifying the required documents and by a speaking order in accordance with law within a period of two months from the date of receipt of the representation.

The petitioners are directed to submit their representation as early as possible.

With the earlier observation this petition is disposed of.

JUDGE

Comparing Assistant