

GAHC010088652024



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

Case No. : WP(C)/2327/2024

RAHIMA KHATUN
W/O SAMSUL ALOM
R/O ADITPUR
P.O. GUNIALGURI
DIST. BARPETA, ASSAM
PIN-781319
(WORKING AS ASSISTANT TEACHER, IN GUNIALGURI M.E. MADRASSA)

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION (ELEMENTARY) DEPARTMENT, DISPUR,
GUWAAHTI-6.

2:THE SECRETARY TO THE GOVT. OF ASSAM

FINANCE (BUDGET) DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE DIRECTOR OF ELEMENTARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI-19.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER

BARPETA DISTRICT CIRCLE
DIST. BARPETA
ASSA

Advocate for the Petitioner : MRS. K DEVI

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

03.05.2024

Heard Ms. K. Devi, learned counsel for the petitioner. Also heard Mr. G. Pegu, learned Standing Counsel, Elementary Education Department, Assam.

This writ petition is filed by the petitioner aggrieved by the fact that while the petitioner was being appointed by the order dated 11.07.2011, an undertaking was taken from the petitioner that she will not be governed by the existing pension Rules, namely the Assam Service (Pension) Rules, 1969 and she will be governed by the New Pension Rules. Being aggrieved, the petitioner has approached this Court.

The learned counsel for the respondents submits that similar writ petitions filed by similarly situated persons were dismissed and a writ appeal has been pending.

The learned counsel for the petitioner also has assailed in the writ petition. However, the order of the Co-ordinate Bench by which the writ

petitions filed by other similarly situated persons came to be dismissed being the Judgment and Order dated 31.03.2023 passed in W.P(C) No. 6893/2021 and W.P.(C) No. 882/2023 is not available. The learned counsel at the bar seek liberty to place a copy of the order.

In any view of the matter, against the said Judgment and Order dated 31.03.2023 passed in W.P.(C) No. 6893/2021 and W.P.(C) No. 882/2023, it is submitted that presently a writ appeal being W.A. No. 187/2023 has been preferred and the same is pending disposal before the Division Bench.

Let the matter be listed after 4 (four) weeks along with WP(C) No.1827/2024 and on the next date, the counsel will apprise the Court about the status of the writ appeal and also place a copy of the order dated 31.03.2023 passed in W.P(C) No. 6893/2021 and W.P.(C) No. 882/2023.

Extra copies be furnished to the learned counsel for the respondents.

JUDGE

Comparing Assistant