

GAHC010114922023



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

Case No. : WP(C)/3150/2023

ZAHIDA KHATUN @ JAHIDA KHATUN
DAUGHTER OF LATE ALIMUDDIN,
RESIDENT OF VILLAGE- CHIRA-KUNDI,
P.O. AND P.S. RANGIA,
IN THE DISTRICT OF KAMRUP(R),
ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
EDUCATION(SECONDARY) DEPARTMENT,
DISPUR, GUWAHATI- 781006.

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

3:THE INSPECTOR OF SCHOOLS
NALBARI DISTRICT CIRCLE
NALBARI
DISTRICT- NALBARI
ASSAM
PIN- 781369.

4:THE HEAD MASTER
P.B. ALLIA HIGH SCHOOL
NALBARI
DISTRICT- NALBARI
ASSAM

PIN- 781369.

5:THE TREASURY OFFICER
NALBARI
ASSAM
PIN- 781369

Advocate for the Petitioner : MR. P B MAZUMDER, MD. B HUSSAIN

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

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 06-03-2025

Heard Mr. PB Mazumder, learned counsel for the petitioner. Also heard Ms. P Das, learned counsel for the Secondary Education Department.

The petitioner's prayer is for a direction to be issued for payment of her arrear salary w.e.f. January 2006 to January 2024.

The petitioner's counsel submits that the petitioner has been working continuously since 1994 till date and as such, the petitioner will have to be paid her salary for the period of work done.

Ms. P Das, learned counsel for the Secondary Education Department submits that the verification as to whether the petitioner is eligible for arrear salary required certain documents to be submitted by the petitioner which are as follows:-

“i. Appointment of the person concerned must be against a sanctioned post.

ii. The person so appointed should have the minimum required

qualification required for the post.

iii. The person must have worked for 10 continuous years till 10.4.2006 without the benefit of any interim orders from the court i.e., the Government or its instrumentality should have employed the person and voluntarily allowed him to continue for 10 years."

Mr. PB Mazumder, learned counsel for the petitioner, on the other hand, submits that a hearing has already been held by the respondents with regard to the service of the petitioner and the same is reflected in page 38 (Annexure-11 of the writ petition). As such, he does not know the reason for a 2nd hearing to be held by the State respondents. He further submits that the petitioner could not attend the hearing which was to be held on 04.03.2025, as the petitioner was unwell.

I have perused the letter dated 01.08.2024 issued by the Joint Secretary to the Government of Assam, Department of Secondary Education which apparently requires three documents from the petitioner. On considering the nature of the required documents, I find that the same would all be in the records of the State respondents. This Court does not understand the reason as to why the State respondents are delaying the matter, by not deciding the issue, as to whether the petitioner is entitled to arrear salary or not.

List the matter on **18.03.2025**.

JUDGE

Comparing Assistant