

GAHC010114922023



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

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 14.08.2023

Heard Mr. P.B.Mazumdar, learned counsel for the petitioner. Also heard Ms. P.Das, learned counsel for the respondent Nos. 1, 2 and 3 and Mr. A.Chaliha, learned counsel for the respondent No.5.

None appears for the respondent No.4.

This Court on 02.06.2023 while issuing a notice returnable on 11.8.2023 directed the respondents in the Secondary Education Department to file their affidavit as regards the entitlement of the petitioner on or before 07.08.2023 without fail. It was observed that the interim prayer shall be considered on the next date after perusal of the affidavit to be filed by the Secondary Education Department with a further observations that if the respondents fail to file the affidavit, this Court shall consider the prayer for interim directions.

The learned counsel for the petitioner submits that the petitioner has not been paid the arrears and salary since 01.01.2006 though she has been serving

the Department on regular basis till date. Therefore, prays for a direction to release the current monthly salary.

Considering the submissions made by the learned counsel for the parties, and the order passed by this Court on 02.06.2023, this Court deems it appropriate to pass the following directions:

1/ The learned counsel for the respondents shall file affidavit-in-opposition within 3(three) weeks without fail.

2/The Respondent Authorities shall release the current monthly salary to the petitioner expeditiously.

List the matter after 3(three) weeks.

A copy of the order shall be furnished to Ms. P.Das, learned standing counsel for the respondent Nos. 1, 2 and 3.

JUDGE

Comparing Assistant