

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 SOUMITRA SAIKIA

ORDER

01.02.2024

Heard Mr. P.B. Mazumdar, learned counsel for the petitioner. Also heard Ms. D. Muchahary, learned Standing Counsel, Secondary Education Department.

By order dated 14.08.2023, this Court permitted the respondents to file their affidavits within three weeks without fail and also release the current salary to the petitioner and the matter was directed to be listed after three weeks.

Today when the matter is listed, the respondents, more particularly, Director, Secondary Education, has not filed the affidavit nor any instructions are forthcoming from the Department to the learned Standing Counsel. Current salary also as directed has not been received as submitted by the learned counsel for the petitioner.

The writ petitioner is praying for release of arrear salary as well as current salary which was earlier not released because of non-allotment of GPF account

number. The petitioner had earlier approached this Court by filing W.P.(C) No. 352/2018 and the writ petition was disposed of on 30.08.2019 by a Co-ordinate Bench directing the respondent authorities to furnish the necessary documents and forwarded to the Office of the Accountant General and thereafter the Accountant General to pass necessary orders for allotment of GPF account number to the petitioner.

In deference to the directions issued by the Court vide order dated 30.08.2019, GPF number was allotted by the Accountant General by the communication dated 20.09.2021. The petitioner is before this Court again praying for further directions as the arrear salary and current salary has not been released to the petitioner inspite of issuance of the GPF number. Under such circumstances, this Court by the earlier order dated 14.08.2023 had issued this order. The department was represented by Ms. P. Das, learned Standing counsel for the Secondary Education.

Today Ms. D. Muchahary represents the Secondary Education who submits that the no instructions have been received and consequently no affidavit could be filed. Considering that she renews her prayer for further time to obtain the required instructions and file necessary affidavit.

In view of the order dated 14.08.2023 passed by this Court specifically directing the respondents to file their affidavit within three weeks without fail, although this Court was disinclined to grant further time, however, purely in the interest of justice, three weeks further time is granted to the Secondary Education Department to file their affidavit, failing which the respondent No. 2 will be present in Court with all relevant records to assist the Court as to why the salary and arrear salary has not been released.

Accordingly, the matter be listed again on 26.02.2024.

JUDGE

Comparing Assistant