

GAHC010145852025



2025:GAU-AS:13132

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

Case No. : WP(C)/3781/2025

MAJIBUR RAHMAN
SON OF LATE MAHIM ALI, RESIDENT OF VILLAGE SAPKATA, PO AND PS
MUKALMUA, DIST NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE SCHOOL EDUCATION
DEPARTMENT, GOVT. OF ASSAM, JANATA BHAWAN, DISPUR, ASSAM

2:THE MISSION DIRECTOR
AXOM SARBA SIKSHA ABHIYAN MISSION
KAHILIPARA
GUWAHATI- 781 019
ASSAM.

3:THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER (DEEO)
CUM DISTRICT MISSION CO-COORDINATOR (DMC)
AXOM SARBA SIKSHA ABHIYAN MISSION
DISTRICT NALBARI
ASSAM.

5:THE DISTRICT COMMISSIONER
NALBARI DISTRICT
NALBARI
ASSAM

6:THE ADDITIONAL DISTRICT COMMISSIONER (EDUCATION
NALBARI
ASSAM

7:THE CIRCLE OFFICER

BARKHETRI REVENUE CIRCLE
NARAYANPUR
MUKALMUA
DISTRICT NALBARI
ASSAM.

8:THE BLOCK ELEMENTARY EDUCATION OFFICER (BEEO
CUM BLOCK MISSION COCOORDINATOR (BMC)
AXOM SARBA SIKSHA ABHIYAN MISSION
BARKHETRI
ASSAM

For the Petitioner(s) : Mr. K. Mohammed, Advocate

For the Respondent(s) : Mr. B. Gogoi, Addl. Advocate General

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 22.09.2025

Heard Mr. K. Mohammed, the learned counsel appearing on behalf of the Petitioner and Mr. B. Gogoi, the learned Additional Advocate General, Assam appearing on behalf of the Respondents.

2. The instant petition has been filed being aggrieved by the inaction on the part of the Respondent Authorities in not making payment of the bills of the Petitioner.

3. It is the case of the Petitioner that, vide settlement order being EcF No. 232193/152 dated 26.10.2022, the Kaplabari-Larkuchi-Majorchar-

Kalarchar ferry service was settled with the Petitioner for the period 2022-2024, i.e., for a term of two years. For the successful implementation of the Gunotsav Programme under the Asom Sarba Siksha Mission for the year 2023, Respondent No.7 issued a letter dated 07.02.2023 to the Petitioner, requiring the arrangement of 17 Nos. of machine boats for the transportation of external evaluators to schools in char areas under Barkhetri Block for the period from 15.02.2023 to 18.02.2023, since the Petitioner was the lessee of the Kaplabari-Larkuchi-Majorchar-Kalarchar ferry service.

4. The learned counsel for the Petitioner submitted that, pursuant to the letter dated 07.02.2023, the Respondent Circle Officer, under the authority of the Deputy Commissioner, Nalbari, issued an order requisitioning the Petitioner's machine boats. Accordingly, the Petitioner arranged 17 Nos. of machine boats for Gunotsav Duty, 2023 for the Respondent School Education Department, for the period from 16.02.2023 (7:00 AM) to 18.02.2023 (7:00 PM), i.e., for three days. The charges for hiring were fixed as per the rates prescribed by the Director, IWT, Assam, vide letter dated 10.09.2019.

5. The learned counsel for the Petitioner submitted that, once again, on 12.02.2024, Respondent No. 7 issued a letter to the Petitioner directing the arrangement of six machine boats in good condition for the transportation of External Evaluators in connection with Gunotsav Duty, 2024 in the char areas, for the period from 06.02.2024 to 08.02.2024, i.e., for three days. Accordingly, the Petitioner arranged six machine boats.

6. The learned counsel for the Petitioner further submitted that, after

the successful completion of the Gunotsav Duty, 2023 and Gunotsav Duty, 2024, the Petitioner submitted bills amounting to Rs. 3,06,000/- and Rs.1,08,000/- respectively which were duly received by the Respondent Authorities. However, the said amounts have not yet been paid.

7. In addition to that, the learned counsel for the Petitioner submitted that the Petitioner had also submitted representations before Respondent authorities for release of the aforesaid bill amounts, however the said amounts are still pending, for which the Petitioner has approached this Court under Article 226 of the Constitution of India.

8. Mr. B. Gogoi, the learned Additional Advocate General, Assam appearing on behalf of the Respondents submits that there is no denial to the fact that the work in question was not allotted to the Petitioner. The learned Additional Advocate General, Assam for the Respondents however submits that the entitlement of the Petitioner would be dependent upon further verification to be carried out by the Respondent Authorities.

9. Upon perusal of the materials on record, this Court is of the opinion that if the Petitioner had arranged the machine boats, the Petitioner would be entitled to the amount as claimed. However, for the same, verification on the part of the Respondent Authorities would be required.

10. This Court, therefore, disposes of the instant writ petition with a direction to the Respondent Authorities to verify as to whether the Petitioner had arranged the machine boats as per the allotment and also as to whether the Petitioner had submitted requisite documents which

are required for the purpose of releasing the amount claimed by the Petitioner.

11. This Court further directs that upon verification, if it is found that the Petitioner is entitled to the amount as claimed, the Respondent Authorities shall pay to the Petitioner the entitlement to the extent of the arrangement made by the Petitioner after making such statutory deductions, if so required and the said exercise be completed within a period of 6 (six) months from the date a certified copy of the instant order is served upon the respondent No.2.

12. This Court further observes that any amount so paid during the pendency of the present writ petition towards the dues of the petitioner shall be set off while making payment to the petitioner.

JUDGE

Comparing Assistant