

GAHC010148242024



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

Case No. : WP(C)/3737/2024

MD ABDUR RASHID
S/O- BAKTU ZAMAL, VILLAGE AND P.O. GUNIALGURI, P.S. KALGACHIA,
DISTRICT- BARPETA, ASSAM, PIN- 781319

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF SCHOOL EDUCATION,
DISPUR, ASSAM

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI

3:THE DIRECTOR OF PENSION
ASSAM
HOUSEFED COMPLEX
NEW BUILDING
ASSAM-06

4:THE INSPECTOR OF SCHOOL
BARPETA DISTRICT CIRCLE
BARPETA
ASSAM

5:THE PRINCIPAL CUM SECRETARY OF G.K. ARABIC COLLEGE
GUNIALGURI
P.O. GUNIALGURI
DISTRICT- BARPETA
ASSAM

PIN- 78131

Advocate for the Petitioner : MR GAURAV R DUTTA, MR A R BAROOAH

Advocate for the Respondent : SC, SEC. EDU., GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 08.01.2026

- 1.** Heard Mr. G.R Dutta, learned counsel for the petitioner. Also heard Mr. P.P Dutta, learned Standing counsel for Department of Secondary Education, Govt. of Assam.
- 2.** The learned counsel for the petitioner submits that the petitioner, although was retired from his services w.e.f 28.04.2017, no departmental proceedings have been instituted against him with regard to any allegation of misconduct that may be existing. However, till date, the petitioner has not been authorized a provisional pension.
- 3.** If above be the position, Mr. P.P Dutta, learned Standing counsel for Department of Secondary Education, Govt. of Assam shall require the respondent authorities to examine the same and in the event there is no departmental proceedings instituted against the petitioner and/or any such departmental proceeding instituted has not culminated with the imposition of penalty upon the petitioner, the respondent authorities shall pass appropriate orders with regard to authorization to the petitioner, his provisional pension with effect from the date he was held to have superannuated his services.
- 4.** Registry to list this matter again on **29.01.2026**.

JUDGE

Comparing Assistant