

GAHC010151352022



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

**Case No. : WP(C)/4971/2022**

BHUPENDRA NATH  
S/O LT. MOTILAL NATH, R/O BAPUJINAGAR, P.O. AND P.S GOALPARA,  
DIST. GOALPARA, PIN-783129 ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS.  
REP. BY COMMISSIONER AND SECRETARY, SECONDARY EDUCATION  
DEPTT. GOVT. OF ASSAM, JANATA BHAVAN DISPUR GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY  
SECONDARY EDUCATION DEPTT. GOVT. OF ASSAM  
JANATA BHAVAN DISPUR GUWAHATI-781006

3:THE ACCOUNTANT GENERAL (A AND E)  
ASSAM  
MAIDAMGAON  
BELTOLA GUWAHATI-781029

4:THE DIRECTOR OF SECONDARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI-781019

5:THE DIRECTOR OF PENSION ASSAM  
BANPHOOL NAGAR  
DISPUR GUWAHATI-781006

6:INSPECTOR OF SCHOOLS  
GOALPARA DISTRICT CIRLCE  
GOALPARA  
ASSAM

PIN-783121

7:TREASURY OFFICER  
GOALPARA TREASURY  
GOALPARA  
ASSAM  
PIN-783121

8:HEADMASTER  
BALADMARI HIGH SCHOOL  
GOALPARA  
ASSAM  
PIN-78312

**Advocate for the Petitioner** : MR H K NATH, MR. D DAS SR. ADV,MR S KHOUND

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

**BEFORE**  
**HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**ORDER**

**Date : 27.01.2026**

- 1.** On the prayer Ms. P Das, learned Standing counsel, Department of Secondary Education, Govt. of Assam the present Writ petition is directed to be listed again on **29.01.2026**.
- 2.** It is to be noticed that during the pendency of the present proceedings, the petitioner was reinstated in his services with effect from 28.02.2022 and the petitioner proceeded on retirement on reaching the age of superannuation with effect from the same date i.e. on 28.02.2022. The criminal proceedings pending against the petitioner has resulted in his acquittal there from. However, it is seen that the respondent authorities have not factored in the said issues and the petitioner has not been authorized his pension and pensionary benefits.

**3.** It is also noticed that the petitioner, who was suspended on account of a criminal proceeding pending against him, was also not authorized a provisional pension although the conviction order passed by the Ld. Trial Court and upheld by the Appellate Court was stayed by this Court in the Criminal Revision petition filed by the petitioner.

**4.** The respondent authorities shall invariably, on the next date of listing, furnish instructions to Ms. P Das, learned Standing counsel, as in the course of action, they now propose to take in the matter, and the time period within which the petitioner's pension and pensionary benefits shall be released.

**JUDGE**

**Comparing Assistant**