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

**Case No. : WP(C)/4252/2025**

SHOWAGI BEWA  
W/O- LATE HAZRAT ALI MIAH,  
VILL- TUMNI SIMLAKANDI, P.O- TUMNI, P.S- SOUTH SALMARA,  
DIST- SOUTH SALMARA MANKACHAR,  
PIN-783127, ASSAM

VERSUS

THE STATE OF ASSAM AND ORS  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,  
ELEMENTARY EDUCATION DEPARTMENT, DISPUR, GUWAHATI-06, ASSAM

2:THE DIRECTOR ELEMENTARY EDUCATION  
ASSAM  
KAHILIPARA  
GUWAHATI-19

3:THE DIRECTOR OF PENSION  
ASSAM  
HOUSEFED COMPLEX  
DISPUR  
GUWAHATI-06

4:THE ACCOUNTANT GENERAL  
MAIDAMGAON  
BELTOLA  
GUWAHATI-29

5:THE TREASURY OFFICER  
GOALPARA TREASURY  
GOALPARA  
ASSAM

6:THE DISTRICT ELEMENTARY EDUCATION OFFICER

SOUTH SALMARA MANKACHAR  
HATSINGIMARI  
ASSAM

7:THE DEPUTY INSPECTOR OF SCHOOL  
SOUTH SALMARA MANKACHAR  
HATSINGIMARI  
ASSA

**Advocate for the Petitioner** : A A AHMED, MR. A W MONDAL,MR A ALIM SK,MR K ISLAM,MD. I H KHAN,MR. M U MONDAL

**Advocate for the Respondent** : SC, ELEM. EDU, SC, AG (A AND E),GA, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE NELSON SAILO**

**ORDER**

**Date : 01-08-2025**

Heard Mr. MU Mondal, learned counsel for the petitioner, who submits that the petitioner is the 2<sup>nd</sup> wife of Late Hazrat Ali Miah, who expired on 05.01.2016. The 1<sup>st</sup> wife of Late Hazrat Ali Miah also expired on 03.01.2012 and the petitioner being the surviving wife is entitled to pension in terms of Rule 143 of the Assam Services (Pension) Rules, 1969.

In view of above, issue notice of motion, returnable by 4 (four) weeks.

Mr. A Phukan, learned Standing Counsel, Elementary Education Department accepts notice on behalf of respondent Nos. 1, 2, 6 & 7; Mr. B Deuri, learned Government Advocate accepts notice on behalf of respondent No. 3; Mr. R Talukdar, learned Standing Counsel, Accountant General accepts notice on behalf of respondent No. 4, while Mr. A Chaliha, learned Standing Counsel, Finance Department accepts notice on behalf of respondent No. 5 . Therefore, notice is complete.

Petitioner to serve requisite extra copies of the writ petition to the learned counsels appearing for the respondents today within 2 (two) days.

List the matter again after 4 (four) weeks, on a date to be fixed by the Registry.

Pendency of the writ petition shall not be a bar for the respondents to consider the case of the petitioner for according the family pension.

**JUDGE**

**Comparing Assistant**