

GAHC010236392024



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

Case No. : I.A.(Civil)/3495/2024

THE SCHOOL MANAGEMENT AND DEVELOPMENT COMMITTEE (SMDC)
AMRANGA BARIHAT H.S. SCHOOL, AMRANGA, KAMRUP, ASSAM, 781125

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI-781006

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

3:THE DIRECTOR OF PENSION AND PUBLIC GRIEVANCES
ASSAM
DISPUR
GUWAHATI-781006

4:THE PRINCIPAL ACCOUNTANT GENERAL
A.G. OFFICE
BELTOLA
GUWAHATI.

5:THE INSPECTOR OF SCHOOLS
KAMRUP DISTRICT CIRCLE
DADARA
DIST. KAMRUP
ASSAM

6:THE PRINCIPAL
AMRANGA BARIHAT H.S. SCHOOL
AMRANGA
KAMRUP

ASSAM

7:DR NAGEN CH DAS
RETIRED PRINCIPAL AMRANGA BARIHAT H.S. SCHOOL
S/O LATE GAMALU RAM DAS VILL- MIRZA
NATUN BAZAR
HARESWAR PATH
P.O. MIRZA P.S. PALASHBARI
PIN-781125 DIST. KAMRUP
ASSA

Advocate for the Petitioner : MR D KALITA, MR H J TAMULI,MR. A K SARMA

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

**BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN**

ORDER

23.02.2026

Heard Mr. A.K. Sarma, learned counsel for the applicant. Also heard Ms. R. Barua, learned standing counsel, Secondary Education Department, appearing for the opposite party Nos.1, 2 and 5, Ms. D.D. Barman, learned Additional Senior Government Advocate, appearing for the opposite party No.3 and Mr. S.K. Medhi, learned standing counsel, AG, appearing for the opposite party No.4. None appears for the rest of the opposite parties, though on earlier occasion their engaged counsel entered appearance.

2. Mr. Sarma, learned counsel for the applicant submits that the applicant herein have not been arrayed as a respondent in the WP(C) No.632/2024 and that in the said writ petition the respondent No.5, the Inspector of Schools, who was holding the charge of Principal of Amranga Barihat Higher Secondary School was directed to issue drawal/non-drawal certificate to the petitioner within a period of 1(one) week from date of receipt of certified copy of that order. Mr. Sarma further submits that it was also directed that 25% of the retirement benefits of the petitioner shall be held up till the dispute of expenditure

and utilization certificate is solved by the respondent authorities with the petitioner and only after resolution of the dispute, the remaining 25% of the retirement benefit shall be released to the petitioner.

3. Mr. Sarma further submits that the present applicant i.e. the School Management and Development Committee, Amranga Barihat H.S. School, has to issue the NOC and as per his instruction, a sum of about Rs.20,00,000/- has to be returned by the respondent/opposite party No.7 herein to the School Management Committee and even if, 25% of the retirement benefits is held up, then the same would not be sufficient to adjust the amount, which the respondent No.7 has to return to the School Management Committee and since the order dated 24.09.2024 was passed in absence of the present applicant, the present applicant has decided to file a review petition and to file the same, leave of this Court is required and as such, he contended to allow this interlocutory application granting leave to the applicant.

4. The learned counsel for the respondent/opposite party Nos.1—5 submits that they have no objection in the event of granting leave to the applicant to prefer the review petition.

5. Accordingly, taking note of the submission of learned counsel for both the parties, this interlocutory application, granting leave to the applicant to file the review petition for review of the order dated 24.09.2024 passed in WP(C) No. 632/2024 (since disposed of) stands allowed.

6. Now, the Registry shall register the review petition and list the same before this Court as soon as practicable, preferably within a week.

Sd/- Robin Phukan
JUDGE

Comparing Assistant