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

Case No. : Cont.Cas(C)/620/2024

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.-PALASBARI, PIN-781125, DIST- KAMRUP, ASSAM

VERSUS

NARAYAN KONWAR AND 4 ORS
SECRETARY TO THE GOVERNMENT OF ASSAM, DEPARTMENT OF
SCHOOL EDUCATION, DISPUR, GUWAHATI-781006

2:MAMATA HOZAI
DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019
ASSAM

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

4:GULZARI LAL
PRINCIPAL ACCOUNTANT GENERAL
A.G. OFFICE
BELTOLA
GUWAHATI ASSAM

5:TAPAN KALITA

INSPECTOR OF SCHOOLS
KAMRUP DISTRICT CIRCLE
DADARA
DIST- KAMRUP
ASSAM CUM I/C PRINCIPAL
AMRANGA BARIHAT H.S. SCHOOL
AMRANGA
KAMRUP
ASSAM
PIN-78112

Advocate for the Petitioner : MR. A A SIKDAR, P BORUAH, MR D K MEDHI, MD IMRAN, MR S H SIKDAR

Advocate for the Respondent : MR. P SAIKIA (R-5), MS M DAS(R-5)

Linked Case : 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
ASSAM

Advocate for : MR D KALITA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 6 ORS

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 18.12.2025

Heard Mr. S.H. Sikdar, learned counsel for the petitioner in Cont.Cas(C) No. 620/2024. Also heard Mr. P. Saikia, learned counsel for the respondent/contemnor No. 5 in Cont.Cas(C) No. 620/2024; and Mr. H.J. Tamuli,

learned counsel appearing on behalf of Mr. A.K. Sarma, learned counsel for the applicant in I.A.(Civil)/3495/2024.

Mr. Sikdar, learned counsel for the petitioner submits that the School Management Committee has not furnished the No Objection Certificate/Drawal/Non-drawal Certificate, for which the petitioner could not draw the pension and pensionary benefits, because of which he has been suffering a lot, and that he has also been suffering from some ailments, treatment of which could not be afforded due to non-receipt of the pension and pensionary benefits.

Mr. Saikia, learned counsel for the respondent/contemnor No. 5 also submits that the pension and pensionary benefits could not be released in favour of the petitioner by the respondent/contemnor No. 5 on account of non-issuance of No Objection Certificate/Drawal/Non-drawal Certificate by the School Management Committee.

However, it appears that the said School Management Committee has not been made party in this contempt proceeding, but it appears that the School Management Committee has filed one interlocutory application, being I.A.(Civil) No. 3495/2024, for granting leave to file a review petition against the order dated 24.09.2024, passed in WP(C) No. 632/2024 (since disposed of).

Having heard the submissions of learned counsel for both the parties, I have carefully gone through the application and the documents placed on record, and also gone through the order dated 24.09.2024, passed in WP(C) No. 632/2024 (since disposed of), wherein the respondent/contemnor No. 5 was directed to release the pension and pensionary benefits of the petitioner with a direction to hold up 25% of the retirement benefits till resolving the dispute of expenditure

and utilization certificate by the respondent authorities with the petitioner.

It appears that in the said interlocutory application for granting leave to file review petition, no order has been passed till date and in fact, on 13.10.2025, when the interlocutory application was listed, the applicant remained unrepresented.

Under the given facts and circumstances, it is provided that the applicant in I.A.(Civil)/3495/2024, shall produce the No Objection Certificate/Drawal/Non-drawal Certificate of the petitioner before this Court on 19.12.2025, at 2 p.m., without fail.

List the matters on 19.12.2025, at 2 p.m.

JUDGE

Comparing Assistant