

GAHC010266562023



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

Case No. : WP(C)/6906/2023

SMTI. SNEHALATA SINGHA
W/O LATE CHANDAN RAJKUMAR, R/O H.N. 44, MALUGRAM SHIV BHARI
ROAD, NEAR GOBINDAGI MANDIR, WARD NO. 2, PIN-788002, DIST-
CACHAR, ASSAM

VERSUS

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

2:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

4:THE INSPECTOR OF SCHOOL
CACHAR DISTRICT CIRCLE
SILCHAR
DIST-CACHAR
ASSAM

5:THE HEAD MISTRESS
CACHAR HIGH SCHOOL
SILCHAR
DIST-CACHAR
ASSAM

6:THE MANAGING COMMITTEE OF THE CACHAR HIGH SCHOOL
REPRESENTED BY ITS PRESIDENT
SILCHAR-788002
DIST-CACHAR
ASSAM

7:THE ASSISTANT DIRECTOR OF AUDIT (L.F.)
ASSAM
SILCHAR CIRCLE
SILCHAR
DIST-CACHAR
ASSA

Advocate for the Petitioner : MR. M SARMA, MS Z RASHUL

Advocate for the Respondent : SC, SEC. EDU., MS M BORAH(R-6),MR M R ADHIKARI (R-6),MS M BORAH (R5),MR M R ADHIKARI (R5),GA, ASSAM,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 06-01-2026

Non-payment of gratuity and final family pension has prompted the petitioner, who is the wife of Late employee working as Headmaster of Cachar High School to approach this Court through this writ petition. The learned counsel for the petitioner has placed reliance upon the Audit report forwarded to the Headmistress of the School on 09.05.2022 with a copy to the Directorate of Audit as well as Inspector of Schools, Cachar wherein it has been clearly provided that there was no case of misappropriation on the part of the Late employee since all the utilization records and expenditure was available with the School records. Despite the same, the gratuity has been withheld and therefore the petitioner seeks for an appropriate direction through this writ petition.

In response to the writ petition, the respondents have not filed any counter-affidavits except for the School concerned, i.e., respondent Nos. 5 & 6.

Ms. H Terangpi, learned Standing Counsel, Secondary Education Department shall obtain instructions as to why the gratuity of the Late Employee has been withheld despite the Audit report dated 09.05.2022. Further, she shall also obtain instructions as to what steps have been taken pursuant to the said Audit report by the Department.

This Court is also informed that the School has sought for expenditure sanction of the amount which was diverted amounting to Rs.6,42,550/- from the Director of Secondary Education Department through letter dated 19.06.2021. Therefore, the learned Standing Counsel, Secondary Education Department shall also obtain instructions as regards the status of grant of *ex post facto* approval for diversion of the said fund or otherwise by the next date.

List again on 05.02.2026.

JUDGE

Comparing Assistant