

GAHC010279662023



undefined

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

Case No. : WP(C)/7318/2023

KAMRUL ISLAM CHOUDHURY
SON OF ABDUL MATIN CHOUDHURY, VILLAGE- SONAPUR PART-I, P.O.
SONAPUR, P.S. BORKHOLA, DIST. CACHAR, ASSAM

VERSUS

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

2:THE DIRECTOR
SECONDARY EDUCATION
KAHILIPARA
GUWAHATI
ASSAM-19

3:THE ACCOUNTANT GENERAL (A AND E)
ASSAM BELTOLA
GUWAHATI 29 ASSAM

4:THE DIRECTOR
PENSION AND PUBLIC GRIEVANCES DEPARTMENT
DISPUR
GUWAHATI
ASSAM

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
CACHAR
SILCHAR

6:THE INSPECTOR OF SCHOOLS
CDC SILCHAR

CACHAR

7:THE BLOCK ELEMENTARY EDUCATION OFFICER
CACHAR SILCHAR
ASSA

Advocate for the Petitioner : MR. I ALAM, MR. T SK

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

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

12.06.2025

Heard Mr. I. Alam, learned counsel for the petitioner. Also heard Mr. U. Sarma, learned standing counsel, Secondary Education Department, appearing for the respondent Nos.1, 2 and 6, Mr. B. Sharma, learned standing counsel, AG, appearing for the respondent No.3, Ms. K. Phukan, learned Government Advocate appearing for the respondent No.4 and Mr. P.N. Sarma, learned standing counsel, Education (Elementary) Department, appearing for the respondent Nos.5 and 7.

Mr. Sarma submits that the Director of Secondary Education has already written a letter to the Finance Department for their concurrence. However, the Finance Department vide its letter dated 27.05.2024 has written to the Director of Elementary Education regarding taking of concurrence from the Finance Department for counting past service of the petitioner towards pensionary benefit as per the Assam Services (Pension) Rules, 1969 and the said information has not yet been received and further, Mr. Sarma, learned standing counsel for the Secondary Education Department submits that the District Elementary Education Officer, Cachar, Silchar and the Block Elementary Education Officer, Cachar, Silchar have been arrayed as a party, but the Director of Elementary Education has not been arrayed as a party in this proceeding and in order to dispose of this petition,

the Director is required to be arrayed as a party in this proceeding.

Taking note of the submission of learned counsel for both the parties, it is provided that the Director of Elementary Education, Assam, Kahilipara, Guwahati-5 is impleaded as respondent No.8 in this writ proceeding.

Issue notice to the newly impleaded respondent No.8.

However, no formal notice is required to be issued, since Mr. P.N. Sarma, learned stand counsel for the Elementary Education Department has entered appearance and accepts notice. However, extra requisite copy of the petition be furnished to Mr. P.N. Sarma during the course of the day.

Further, in respect of the letter of the Finance Department dated 30.11.2019, Mr. P.N. Sarma, learned standing counsel for the Elementary Education Department shall obtain necessary instruction and apprise this Court on the next date.

List the matter on 23.06.2025 as part heard.

In the meantime, Mr. Alam, learned counsel for the petitioner shall file the amended cause title.

Sd/- Robin Phukan
JUDGE

Comparing Assistant