

GAHC010286092025



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

Case No. : WP(C)/168/2026

HAMIDA KHATUN
W/O- LATE MOSLEM UDDIN,
R/O- VILL- RAKHALDUBI, P.O- JOYPUR BAZAR, P.S- BAGUAN, DIST-
GOALPARA, ASSAM, PIN-783129

VERSUS

THE STATE OF ASSAM AND OTHERS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
ELEMENTARY EDUCATION DEPARTMENT
DISPUR
GUWAHATI-06

3:THE DIRECTOR OF SECONDARY EDUCATION
KAHILIPARA
GUWAHATI-19

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

5:THE PRINCIPAL ACCOUNTANT GENERAL
(A AND E)
ASSAM
BELTOLA
GUWAHATI-29

6:THE ACCOUNTANT GENERAL OF ASSAM

MAIDAMGAON
BELTOLA
GUWAHATI-29

7:THE INSPECTOR OF SCHOOLS
PAHARTOLI ROAD
GOALPARA
ASSAM
PIN-783101

8:THE DISTRICT COMMISSIONER
GOALPARA
ASSAM
PIN-783121

9:THE TREASURY OFFICER
GOALPARA
ASSAM
PIN-783101

10:MOJIDA KHATUN
W/O- LATE MOSLEM UDDIN
R/O- VILLAGE - RAKHALDUBI
P.O- JOYPUR BAZAR
P.S- BAGUAN
DIST- GOALPARA
ASSAM
PIN-78312

Advocate for the Petitioner : MS. S NATH, S S AHMED,MR. W RAHMAN,MR. K KALITA

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

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 25.02.2026

Heard Mr. S. S. Ahmed, learned counsel for the petitioner, who submits that by filing this writ petition, the petitioner prays for grant of family pension as

she is the second wife of Late Moslem Uddin, who retired as High School Peon from P.M. Shri Rakhaldubi High School, Rakhaldubi, Goalpara, Assam.

When the matter was listed on the last occasion, the learned counsel was asked to produce the law regarding the right of the second wife to be paid pensionary benefits.

Today, the learned counsel has produced the case of *Mustt Junufa Bibi Vs. Mustt Padma Begum & 4 Ors.*, (WA No. 160 of 2018) rendered by the Full Bench of this Court on 22.12.2022, which is to the effect that there is no absolute bar for payment of pension separately to the second or further wives of the employee concerned governed by the Mohammedan Law, if parties are agreeable. If not, the party concerned can even seek for maintenance from the eldest surviving widow before a Civil Court. In the present case, the first wife of the late employee appears to be arrayed as the respondent No. 10 and before this Court passes any order for disposing the case, it would be appropriate to hear the respondent No. 10 first.

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

Ms. K. Phukan, learned Government Advocate, accepts notice on behalf of the respondent Nos. 1, 4 & 8; Ms. N. Phukan, learned Standing Counsel, Elementary Education Department, accepts notice on behalf of the respondent No. 2; Mr. U. Sarma, learned Standing Counsel, Secondary Education Department, accepts notice on behalf of the respondent Nos. 3 & 7; Mr. S. K. Medhi, learned Standing Counsel, Accountant General, Assam, accepts notice on behalf of the respondent Nos. 5 & 6 and Ms. R. M. Barooah, learned Standing Counsel, Finance Department, accepts notice on behalf of the respondent No. 9.

Petitioner to serve extra requisite copies of the writ petition to the learned

Standing Counsel appearing for the respondents today, within a period of two (2) working days.

Petitioner to take steps for service of notice upon the respondent No. 10 by speed post within a period of three (3) working days.

List the matter after four (4) weeks.

Registry to reflect the name of the learned Standing Counsel, Finance Department, in the cause-list.

JUDGE

Comparing Assistant