

GAHC010021052023



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

**Case No. : WP(C)/584/2023**

MINAKSHI DAS  
W/O- LT. NANI KANTA DAS, R/O- MIRJAPUR (MEDHIPARA), P.O. AND P.S.  
AZARA, DIHIRA, DIST.- KAMRUP (M), ASSAM, PIN- 781017

VERSUS

THE STATE OF ASSAM AND 6 ORS  
TO BE REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, DEPTT.  
OF ELEMENTARY EDUCATION

2:DIRECTOR OF ELEMENTARY EDUCATION  
ASSAM  
KAHILIPARA  
GHY-19

3:DIRECTOR OF PENSION AND PUBLIC GRIEVANCE  
ASSAM  
HOUSEFED COMPLEX  
DISPUR  
GHY-6

4:DISTRICT ELEMENTARY EDUCATION OFFICER  
NAGAON  
ASSAM

5:BLOCK ELEMENTARY EDUCATION OFFICER  
KATHIATOLI  
NAGAON  
ASSAM

6:DY. INSPECTOR OF SCHOOLS  
NAGAON

7:DY. COMMISSIONER  
NAGAO

**Advocate for the Petitioner** : MR C GOSWAMI

**Advocate for the Respondent** : SC, ELEM. EDU

**BEFORE**  
**HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**16.02.2024**

Heard Mr. C. Goswami, learned counsel for the petitioner. Also heard Mr. P.N. Sharma, learned Standing Counsel, Elementary Education Department and Mr. P. Saikia, learned Government Advocate, Assam.

The Petitioner is aggrieved by non-issuance of the "*next of kin certificate*" to be issued by the concerned Deputy Commissioner, Nagaon. The petitioner submits that because of non issuance of "*next of kin certificate*" she is unable to approach the respondent authorities for claiming family pension under whom her late husband rendered service. The late husband of the petitioner rendered service as Headmaster of Ahomgaon Sahid Prema Boruah L.P. School, Kathiatoli Nagaon and he expired on 11.08.2021 while he was in service. There was a family dispute between the petitioner and her late husband pursuant to the proceedings under Section 125 of the Cr.P.C for quantum of maintenance was filed.

Nevertheless, fact remains that the application for the "*next of kin certificate*" was filed before the competent authority by making the necessary charges which according to the petitioner till date has not been issued by the respondent authorities, more particularly, respondent no.7.

Mr. P. Saikia, learned Government Advocate, does not have any instructions.

Mr. Mr. P.N. Sharma, learned Standing Counsel, Elementary Education Department submits that because of the non submission of the "*next of kin certificate*", further progress in respect of the claim for family pension would not be processed by the Administrative Department, namely, the Department of Elementary Education.

Upon considering the submissions of the learned counsel for the parties, this Court is of the view that since the prayer in the writ petition is very limited, seeking a direction to the respondent no.7 for grant of the "*next of kin certificate*" and which is presently being pressed by the petitioner, this Court is of the view that the petition can be disposed of with a direction to the respondent no.7, the Deputy Commissioner, Nagaon to examine the claims of the petitioner and forthwith pass necessary orders in respect of her application seeking issuance of the "*next of kin certificate*." Any order that may be passed

by the Deputy Commissioner, Nagaon, be served on the petitioner. This exercise be completed within a period of 15 (fifteen) days from the date of receipt of a certified copy of this order. The other prayers in the petition at this stage are not pressed by the petitioner.

The writ petition stands disposed of in terms of the above. No order as to cost.

**JUDGE**

**Comparing Assistant**