

GAHC010036342024



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

Case No. : WP(C)/1126/2024

MIR JOYNAL ABEDIN
S/O LATE MIR ABDUL MOZID, R/O VILL- DR. ZAKIR HUSSAIN ROAD,
WARD NO. 7, P.O., P.S. AND DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE SECRETARY, DEPARTMENT OF SCHOOL
EDUCATION, ASSAM, DISPUR, GUWAHATI-781006

2:THE ACCOUNTANT GENERAL
ASSAM
BELTOLA
DISPUR
GHY-29

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY-781019

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DARRANG
MANGALDOI
DIST- DARRANG
ASSAM
PIN-78412

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

04.03.2024

Heard Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. N.J. Khataniar, learned Standing Counsel, Elementary Education Department and Mr. R. Ahmed, learned Standing Counsel, Accountant General, Assam.

2] This writ petition is filed by the petitioner who claims to be the brother of one late Mir Abul Kashem, who while rendering his services as a District Elementary Education Officer (DEEO), Darrang expired on 15.03.2015. Since the late brother of the petitioner was a bachelor, the present petitioner and other siblings are the legal heirs of the late Mir Abul Kashem. Learned counsel for the petitioner has referred to the *next of kin* certificate issued by the Office of the Deputy Commissioner, Dhubri reflecting the name of the petitioner and other siblings as the *next of kin* of the late Mir Abul Kashem. It is the claim of the petitioner that there are certain arrear salary and other financial entitlements of late Mir Abul Kashem which were never released and as next of kins, they are entitled to receive the same. In this context a representation had also been preferred before the Director of Elementary Education Department (which is at Annexure-19 of the writ petition) on 09.05.2023. It is submitted that the said

representation has not yet been disposed of by the Director of Elementary Education Department.

3] Mr. N.J. Khataniar, learned Standing Counsel, Elementary Education Department submits that the matter will require proper examination before the authority concerned.

4] Having heard the learned counsel for the parties and considering that the representation filed before the Director of Elementary Education Department is stated to be pending, this Court is of the view that the writ petition can be disposed of at this stage without issuing any notice to the respondents. Accordingly, the writ petition stands disposed of by directing the respondent no.3, namely, the Director of Elementary Education Department to verify the claims of the arrear salary and other benefits in respect of late Mir Abul Kashem who is stated to be the brother of the petitioner and upon careful verification if the same is found to be due then the same be released as per the provision of law. This exercised shall be carried out within 60 (sixty) days from the date of receipt of a certified copy of this order.

5] The writ petition stands disposed of in terms of the above.

JUDGE

Comparing Assistant