

GAHC010085162024



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

Case No. : WP(C)/3102/2024

SABDUL MOTLEB ALI AND 5 ORS

S/O- LT. KASHEM ALI, RETD. H/M OF SILBARI PUBLIC HIGH SCHOOL,
VILLAGE- KHUDNAMARI PT-II, P.O. HARALTARI, P.S. SAPATGRAM, DIST.-
DHUBRI, (ASSAM), PIN- 783337

2: BOKTAR ALI SHEIKH

S/O- LT. MISORUDDIN SHEIKH
RETD. H/M OF DEBITOLA HIGH SCHOOL
VILL- DEBOTTAR RAIPUR-I
(CHANDORGAON)
P.O. ALOMGANJ
P.S. GAURIPUR
DIST.- DHUBRI
(ASSAM)
PIN- 783339

3: ABDUL RAHMAN MIAH

S/O- LT. SAHABUDDIN MIAH
RETD. H/M OF GHOGARPAR HIGH SCHOOL
PRESENTLY RESIDING AT VILL- CHOTOLAWKUTHI
P.O. BOXIRHAT
P.S. BOXIRHAT
DIST.- COOCHBEHAR
PIN- 736131

4: TAIYAB ALI AHMED

S/O- LT. AFAZUDDIN SARKAR
RETD. SUBJECT TEACHER OF SATRASAL H.S. VIDYAPITH
VILL- AGOMANI
P.O. AGOMANI
P.S. AGOMANI
DIST.- DHUBRI (ASSAM)
PIN- 783335

5: ABDUL MAZID
S/O- LT. SAKAT ALI MUNISH
RETD. PRINCIPAL OF BELGURI H.S. SCHOOL
VILL- BELGURI
P.O. BELGURI
P.S. GOLAKGANJ
DIST.- DHUBRI
(ASSAM)
PIN- 783334

6: LUTFOR RAHMAN
W/O- LT. ABDUS SAMAD SARKAR
RETD. A/T OF KUKURMARA H.S. SCHOOL
PRESENTLY RESIDING AT VILL- NAMAR GAON
P.O. RADHAMADHAB HAT
P.S. MANKACHAR
DIST.- SOUTH SALMARA HATSINGIMARI MANKACHAR
PIN- 78313

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EDUCATION (SECONDARY) DEPARTMENT,
DISPUR, GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASAM
FINANCE (ESTT.-A) DEPARTMENT
ASSAM
DISPUR
GUWAHATI-6

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

4:THE MISSION DIRECTOR
SSA (SARBA SIKSHA ABHIJAN)
ASSAM
KAHILIPARA
GUWAHATI-19

5:THE INSPECTOR OF SCHOOLS
P.O. AND DIST.- DHUBRI
ASSAM

PIN- 783301

6:THE INSPECTOR OF SCHOOLS
P.O. AND DIST.- KOKRAJHAR
ASSAM
PIN- 78337

Advocate for the Petitioner : MR. P DAIMARY

Advocate for the Respondent : SC, SEC. EDU.

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 17.07.2024

- 1.** Heard Mr. P. Daimary, learned counsel for the petitioners.
- 2.** Also heard Mr. U. Sarma, learned standing counsel, Secondary Education Department, for respondent Nos. 1, 3 & 5; Mr. A. Chalia, learned standing counsel, Finance Department, for respondent No. 2 and Mr. P. Nayek, learned standing counsel, SSA & BTC, for respondent Nos. 4 & 6.
- 3.** The petitioners, before this Court, are the retired Headmasters and Assistant Teachers of various High Schools of Dhubri and Kokrajhar districts and they are praying for a direction to the respondents to pay the earned leave encashment benefits to the petitioners for a maximum period of 300 days by calculating 30 days per year after deducting the leave encashment benefits already paid to the petitioners.
- 4.** After hearing the learned counsel for the parties and on consideration of the materials available on record, this Court is of the considered opinion that the ends of justice would be met if the petitioners file separate representations before the respondent No. 3 / Director of Secondary Education, Assam within a

period of 1 (one) month from today. Thereafter, the respondent No. 3, on receipt of representations filed by the petitioners, shall consider the same and pass a reasoned order to the respective representations of the petitioners in accordance with the settled positions of law within a period of 2 (two) months from the date of receipt of the said representations.

5. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant