

GAHC010097562020



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

Case No. : WP(C)/2912/2020

SABINA YASMIN
W/O. SAMSUL HOQUE, VILL. KOPOTIMARI (BORAGAON), P.O.
BORAGAON, DIST. MORIGAON, ASSAM, PIN-782121.

VERSUS

THE STATE OF ASSAM
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, ELEMENTARY
EDUCATION DEPTT., DISPUR, GUWAHATI-781006.

2:THE DIRECTOR ELEMENTARY EDUCATION DEPTT. ASSAM
KAHILIPARA GUWAHATI-781019.

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER MORIGAON
DISTRICT- MORIGAON ASSAM PIN-782105.

4:THE DY. INSPECTOR OF SCHOOL MORIGAON
DIST. MORIGAON ASSAM PIN-782105.

5:THE BLOCK ELEMENTARY EDUCATION OFFICER LAHORIGHAT BLOCK
DIST. MORIGAON ASSAM PIN-782127.

6:SAMSUL HOQUE S/O. LT. BOYES ALI C/O. MOHD MOJID
VILL. SALMARI NO.-1 P.S. MORIGAON P.O. SALMARI
DIST. MORIGAON ASSAM PIN-782126.

7:JASMIN BEGUM W/O. SAMSUL HOQUE VILL. SALMARI NO.-1
P.S. MORIGAON P.O. SALMARI DIST. MORIGAON
ASSAM PIN-782126

Advocate for the Petitioner : ALHAJJ INAM UDDIN, MRS. R MOMTAZ,MR. M A LASKAR

Advocate for the Respondent : SC, ELEM. EDU,

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 12.08.2024

Heard Mr. A. I. Uddin, learned counsel for the petitioner. Also heard Ms. B. Deka, learned standing counsel, Elementary Education Department, appearing on behalf of the State respondents. None has appeared on behalf of respondents No. 6 & 7.

The petitioner, herein, claims to be the first wife of the respondent No. 6 viz. Samsul Hoque, who had retired from his service as a Headmaster from Moirabari Pub-Leoramukh Lower Primary School, Moirabari, Morigaon, on 31.03.2020.

It the contention of the petitioner that inspite of being the first wife of the said respondent No. 6; her name has not been incorporated as a nominee either in the service records of the respondent No. 6 or in the Pension Payment Order(PPO) of the respondent No. 6 and it is the respondent No. 7 who is contended to be the existing second wife of the respondent No. 6.

The petitioner further contends that as the respondent No. 6 was not providing for her maintenance; a case was so instituted before the competent Court of law and the maintenance allowance has been paid by the respondent No. 6 to the petitioner, herein. Such a contention is made by the petitioner to demonstrate that the marriage between the petitioner, herein, and respondent No. 6, is subsisting as on date.

The grievance in the present proceeding is for a direction upon the respondent authorities to incorporate the name of the petitioner, herein, as a nominee in the service records of the respondent No. 6 as well as in the Pension Payment Order(PPO) of respondent No. 6.

It is seen that the respondents No. 6 & 7, respectively, are yet to enter appearance in the matter. However, noticing the grievance raised in the present proceeding as well as the nature of the order proposed to be passed today; the appearance of respondents No. 6 & 7, in the present proceeding, is not deemed necessary.

Accordingly, the petitioner is hereby directed to submit a representation before the Director, Elementary Education Department, Assam, staking a claim to incorporate her name in the service records of the respondent No. 6 as well as in the Pension Payment Order(PPO) of the respondent No. 6.

The petitioner, in her said representation, shall set-out the proper and correct addresses of both the respondents No. 6 & 7, herein, and the Director, Elementary Education Department, Assam, shall issue notice to both the respondents No. 6 & 7, herein, and after hearing them, shall proceed to dispose of the representation that would now be submitted by the petitioner in the matter.

It is reiterated that only after hearing the petitioner, herein, and the respondents No. 6 & 7, respectively; the Director, Elementary Education Department, Assam, shall pass orders disposing of the representation that would now be submitted in the matter by the petitioner.

The representation be filed by the petitioner, herein, along with a certified copy of this order within a period of 15(fifteen) days from today and thereafter, the respondents shall issue notices to the respondents No. 6 & 7, respectively, fixing a date for hearing and upon hearing the parties, proceed to dispose of the said representation within a period of 3(three) months, thereafter.

JUDGE

Comparing Assistant