

GAHC010218722018



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

Case No. : WP(C)/6878/2018

ABDUL KHALEQUE
S/O- LT ABDUL ROUF, R/O- VILL- CHANGMAJI, P.O. JUNGLE BLOCK, DIST-
HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION
(SECONDARY) DEPTT., DISPUR, GHY-6

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
DISPUR, GHY-6

3:THE INSPECTOR OF SCHOOLS
NAGAON DISTRICT CIRCLE
NAGAON
ASSAM, PIN- 782001

4:THE HEADMASTER
JUNGLE BLOCK HIGH SCHOOL
P.O. JUNGLE BLOCK
DIST- HOJAI
ASSAM, PIN- 78242

Advocate for the Petitioner : MD. A J ATIA

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HON'BLE MR. JUSTICE KARDAK ETE

O R D E R

25.06.2024.

Heard Mr. A.J. Atia, learned counsel for the petitioner. Also heard Ms. D. Mushahary, learned standing counsel for the Education Department and Ms. S. Das, learned counsel for the respondent No.4.

The learned counsel for the petitioner submits that in terms of the interim order passed in this Writ Petition on 21.01.2019, the petitioner is being paid the current salary. However, the respondent authorities are yet to pay the arrear salary entitled by the petitioner. He further submits that, though the prayer has been made in this Writ Petition for payment of current salary as well as arrear salary w.e.f. 22.09.2015, i.e. from the date of provincialisation of service, same appears to be wrong as the provincialisation of service of the petitioner was w.e.f. 01.01.2013.

Having realized that the prayer made in this Writ Petition with regard to the claim of arrear salary has been made w.e.f. 22.09.2015, the learned counsel for the petitioner prays for withdrawal of the Writ Petition with liberty to file afresh, claiming the arrear salary w.e.f. 01.01.2013 i.e. from the date of provincialisation of service of the petitioner.

Considering that the current salary is being paid to the petitioner and no arrear salary has been paid as on date, the prayer of the petitioner is accepted.

Accordingly, the Writ Petition stands dismissed on withdrawal with the liberty to file afresh, if so advised.

JUDGE

Comparing Assistant