

GAHC010246582024



2024:GAU-AS:11709

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

Case No. : WP(C)/6203/2024

LUTFUR RAHMAN CHOUDHURY
RETIRED HEADMASTER, BAKRIHAWAR M E SCHOOL, VILL.- BAKRIHOWR
PART-10, P.O. NORTHNARAINPUR, P.S. PANCHGRAM,DIST. HAILAKANDI,
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EDUCATION DEPARTMENT, DISPUR,
GUWAHATI-6.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
HAILAKANDI
P.O.
P.S. AND DIST. HAILAKANDI
ASSAM
PIN- 788151.

4:BLOCK ELEMENTARY EDUCATION OFFICER
HAILAKANDI
P.O. AND DIST. HAILAKANDI
ASSAM
PIN- 788151

Advocate for the Petitioner : MR. N ISLAM, MS. L WAJEEDA,MR. T K DEY

Advocate for the Respondent : SC, ELEM. EDU,

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 27.11.2024

Heard Ms. L. Wajeeda, learned counsel for the petitioner as well as Mr. B. Kaushik, learned standing counsel, Elementary Education Department for the respondents.

2. The petitioner was initially appointed as an Arabic Teacher on 01.01.1980 in the Bakrihawar M. E. Madrassa. Thereafter, the said Madrassa was provincialised w.e.f 01.09.1986. The petitioner retired on superannuation on 30.11.2022.

3. Prior to the retirement of the petitioner, the Block Elementary Education Officer, Hailakandi issued an order dated 03.10.2020 in pursuance to an order dated 21.04.2020 of the Director of Elementary Education, Assam allowing, in-service, retired and expired teaching and non-teaching staff of the upper primary schools to enjoy the benefits of the financial up-gradation under the MACPs. In the said order dated 03.10.2020, the name of the petitioner appears at Sl. No. 7. Thereafter, the petitioner received the benefits of the MACPs from March, 2020 to November, 2022. However, the grievance of the petitioner in the present writ petition is that he has not received the arrear of the MACPs from January, 2017 to February, 2020, totaling to an amount of Rs. 64,022/- (Rupees Sixty four thousand and twenty two) only. Accordingly, the petitioner made a representation before the Director of Elementary Education, Assam on

14.05.2024, praying for release of his arrear amount under the MACPs from January, 2017 to February, 2020.

4. The learned counsel for the petitioner submits that the petitioner would be satisfied if a direction is given to the respondent No.2/ Director of Elementary Education Assam to consider the representation made by the petitioner on 14.05.2024 and dispose of the same by a speaking order within a specified period of time.

5. Mr. B. Kaushik, learned standing counsel, Elementary Education Department has no objections with regard to the prayer of the petitioner.

6. Accordingly, this writ petition is disposed of directing the respondent No.2 to consider the representation dated 14.05.2024, made by the petitioner and dispose of the same by a speaking order and in accordance with law after verification of all necessary documents.

7. Let such exercise be taken and completed within a period of 2(two) months from the date of receipt of a certified true copy of the order.

8. With the above observations and directions, this writ petition stands disposed of.

JUDGE

Comparing Assistant