

GAHC010256602023



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

Case No. : WP(C)/6615/2023

JOYDEEP DEY
S/O LATE JITENDRA CH DEY, HEAD TEACHER, RASH BEHARI GOVT.
JUNIOR SCHOOL, R/O HOUSE NO. 106, DEVI PRASAD ROAD, SILCHAR,
DIST-CACHAR, ASSAM, PIN-788002

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION (ELEMENTARY EDUCATION),
DISPUR, GUWAHATI, ASSAM, PIN-781006

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
ASSAM
PIN-781019

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
CACHAR
SILCHAR
ASSAM
PIN-788003

4:THE DEPUTY INSPECTOR OF SCHOOLS
SILCHAR
CACHAR
ASSAM

5:THE ACCOUNTANT GENERAL
ASSAM (A AND E) ASSAM

MAIDAMGAON
BELTOLA
GUWAHATI
ASSAM
PIN-781029

6:THE BOARD OF SECONDARY EDUCATION
ASSAM
(SEBA)
TO BE REPRESENTED THROUGH ITS CONTROLLER OF
EXAMINATION/SECRETARY
BAMUNIMAIDAN
GUWAHATI
ASSAM
PIN-781021

7:THE PRINCIPAL
NARSING HIGHER SECONDARY SCHOOL
SILCHAR
DIST-CACHAR
ASSAM
PIN-78800

Advocate for the Petitioner : MR. A K DUTTA

Advocate for the Respondent : SC, ELEM. EDU

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

ORDER

Date : 23.04.2024

Heard Mr. B. Purkayastha, learned counsel for the petitioner. Also heard Mr. S. M. T. Chistie, learned Standing Counsel for the Elementary Education Department appearing for the respondents no. 1, 2, 3 & 4 and Mr. D. K. Roy, learned Standing counsel for the SEBA representing the respondent no. 6.

None has appeared for the respondents no. 5 & 7.

2. The petitioner, by way of instituting the present proceeding has raised a grievance with regard to the action/inaction on the part of the respondent authorities in not considering and accepting the application as submitted by him praying for proceeding on voluntary retirement on medical ground vide his application dated 24.03.2023.

3. The petitioner herein was appointed as Assistant Teacher on 26.05.1984 in Rash Behari Govt. Junior Basic School. The petitioner, in view of the fact that he had developed certain medical ailments and he being not in a position to continue with his services, proceeded to submit an application before the respondent authorities praying for allowing him to proceed on voluntary retirement w.e.f. 01.02.2023. The said application of the petitioner was forwarded by the Dy. Inspector of Schools, silchar, vide his communication dated 24.03.2023 to the Director of Elementary Education, Assam along with its enclosure which included a medical certificate issued by the Standing Medical Board, Silchar Medical College & Hospital, Silchar, wherein it was certified that the petitioner on account of the multiple ailments as suffered by him was not in a position to perform his regular duties. The requisite certificates as mandated for proceeding the case of the petitioner for voluntary retirement was also enclosed. However, the Director of Elementary Education, Assam vide a communication dated 29.08.2023, on account of certain anomalies detected with regard to the date of birth of the petitioner recorded in his service book and that reflected in his HLSC certificate, proceeded vide communication dated 29.08.2023 to require the Dy. Inspector of Schools, Silchar to clarify the said aspect of the matter. The application as submitted by the petitioner for proceeding on voluntary retirement having not been considered and the requisite permission

accorded, the present proceeding has been instituted.

4. Pleadings as brought on record would reveal that the respondent authorities have in pursuance to receipt of the application from the petitioner for proceeding on a voluntary retirement had been processing the matter, but, however, no finality to the said issue was so reached.

5. This Court had required the State respondents to submit their stand in the matter and accordingly, the matter was fixed today. Today, when the matter was taken up for hearing, the learned Standing Counsel for the Elementary Education Department has placed on record an order dated 22.04.2024, issued by the Director of Elementary Education Department, Assam, by which the application of the petitioner for proceeding on voluntary retirement from government services w.e.f. 01.02.2023, on medical ground was accepted and the petitioner was allowed to proceed on voluntary retirement from government services w.e.f. 01.02.2023.

6. In view of the issuance of the order dated 22.04.2024 and the petitioner herein being permitted to proceed on voluntary retirement from government services w.e.f. 01.02.2023, the relief as sought for in the present proceeding by the petitioner having been granted to him by the State respondents, no further issue arises for consideration in the present proceeding.

7. Accordingly, the present writ petition is hereby disposed of in terms of the order dated 22.04.2024, issued by the Director of Elementary Education Department, Assam with a further direction that the pension and pensionary benefits as would now be available to the petitioner be so computed and released to the petitioner within a period of 3(three) months from the date of receipt of a certified copy of this order.

8. The writ petition stands disposed of in the above terms.

JUDGE

Comparing Assistant