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

Case No. : WP(C)/3864/2024

MANOJ KUMAR SINGHA
S/O. MONIKANTA SINGHA
R/O. VILLAGE SUDARSHANPUR P.O- SUDARSHANPUR PART-II
P.S. LALA
PIN CODE-788160
DISTRICT- HAILAKANDI
ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS
THROUGH THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF SCHOOL EDUCATION (ELEMENTARY) DISPUR
GUWAHATI- 781006

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

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
HAILAKANDI
P.O AND P.S. HAILAKANDI
DISTRICT HAILAKANDI
ASSAM.

4:THE BLOCK ELEMENTARY EDUCATION OFFICER

LALA

DISTRICT HAILAKANDI
ASSAM

5:THE COMMISSIONER AND SECRETARY

TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI- 781006

6:THE UNDER SECRETARY

TO THE GOVERNMENT OF ASSAM
FINANCE (SIU) DEPARTMENT
DISPUR
GUWAHATI- 781006

7:THE DIRECTOR OF FINANCE

ASSAM
GUWAHATI.

8:THE TREASURY OFFICER

HAILAKANDI
P.O AND P.S- HAILAKANDI DISTRICT- HAILAKANDI
ASSAM

Advocate for : MS. S SEAL
Advocate for : SC
ELEM. EDU appearing for THE STATE OF ASSAM AND 6 ORS

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date :24.06.2026

Heard Ms. S Kanungoe, Learned Counsel for the Petitioner. Also heard Mr. S M T Chistie, Learned Standing Counsel, Department of School Education, Assam, appearing for the Respondent Nos.

1, 2, 3 & 4 and Mr. A Chaliha, Learned Standing Counsel, Department of Finance, appearing for the Respondent Nos. 5, 6, 7 & 8.

2. The Petitioner, in the present Writ Petition, has prayed for a direction upon the Respondent authorities to authorize to him, his arrear salaries for the period 01.11.2011 to 28.02.2017.

3. As projected in the Writ Petition, the Petitioner was appointed as an Assistant Teacher in Bishnupriya Manipuri Language subject at 427 No. West Nityanandapur L.P School, vide the order dated 01.11.2011. In terms of the said appointment, the Petitioner joined his services on 01.11.2011. The Petitioner having been appointed, as per the procedure laid down, an approval from Finance (SIU) Department, being required for release of the first salary of the Petitioner, the matter was processed for receipt of the approval from the Finance (SIU) Department. The materials brought on record reveal that vide a communication dated 22.03.2018, the Finance (SIU) Department had accorded it approval to the appointment of the Petitioner and accordingly, it was provided that the

Petitioner's first salary, be drawn.

4. With regard to the arrear salaries, it was stipulated, therein, that the same be processed, in terms of the Finance Department's OM dated 21.10.2011. It is seen that a proposal for release of the arrear salaries of the Petitioner was processed, however, the same not being taken to its logical conclusion, the Petitioner had instituted the present Writ Petition.

5. Ms. S Kanungoe, Learned Counsel for the Petitioner by reiterating the facts noticed, hereinabove, has submitted that there is no dispute, with regard to the fact that the initial appointment of the Petitioner, was in pursuance to a due process of selection, which, she submits, is established from the subsequent approval, granted by the Finance (SIU) Department, vide the communication dated 22.03.2018. She submits that, in pursuance to the approval from Finance (SIU) Department, being received, the current salaries of the Petitioner were being paid. However, the arrears of salary, receivable by the Petitioner, w.e.f 01.11.2011 to 28.02.2017, has not been released till date, although, proposals, in this connection, were submitted by the

concerned authorities before the Government in the Education Department.

6. Mr. S M T Chistie, Learned Standing Counsel, Department of School Education, Assam, appearing for the Respondent Nos. 1, 2, 3 & 4, has submitted that from the projections, as made in the Writ Petition by the Petitioner, it is evident that there was a delay in the release of the salaries of the Petitioner, in view of the fact that the approval to the appointment of the Petitioner for release of his arrear salaries by the Finance (SIU) Department, was only accorded on 22.03.2018. He submits that the Finance (SIU) approval, now having been accorded, the Departmental authorities would expeditiously process the claim of the Petitioner for arrear salaries and the same would be released, if there is no further impediment in law.

7. I have heard the Learned Counsel for the Parties and perused the materials available on record.

8. The materials coming on record reveals that the Petitioner's initial appointment was in pursuance to a due process of selection. The Petitioner, being so appointed his initial

salary, was permissible to be released after the Finance (SIU) Department, had accorded its approval in the matter. For reasons not disclosed, there was a delay in according of approval by the Finance (SIU) Department, and such approval came to be so accorded, only, vide communication dated 22.03.2018. On receipt of the said SIU approval, as per the stipulations made, therein, the current salaries of the Petitioner, w.e.f 01.03.2017, was being released to the Petitioner. However, the arrear of his salary, w.e.f 01.11.2011 to 28.02.2017, were not released.

9. The materials brought on record reveals that the Petitioner is entitled to the said salary and he is in no way responsible for the delay, occasioning in releasing to him, the arrears of salary for the period noticed, hereinabove. Accordingly, this Court holds that the Petitioner is entitled to receive his arrear salaries, w.e.f 01.11.2011 to 28.02.2017.

10. In view of the above discussions this Court directs the Director of Elementary Education, Assam, to expeditiously process the proposal for release of arrear salary to the Petitioner.

11. The District Elementary Education Officer (DEEO),

Hailakandi, shall, within a period of 15 (Fifteen) days, from the date of receipt of a certified copy of this order along with an application from the Petitioner, submit to the Director of Elementary Education, Assam, a proposal, complete in all respects, for the purpose of release to the Petitioner, his arrear salaries. The said proposal, on being received by the Director of Elementary Education, Assam, the same shall be further processed and a finalized proposal will be placed before the Government in the Department of School Education, Assam, for grant of necessary approval.

12. The Commissioner & Secretary to the Government of Assam, Department of School Education, on receipt of such proposal from the Director of Elementary Education, Assam, shall process the same and an approval, for the release of the arrear salaries of the Petitioner, be viewed, within a further period of 1 (One) month from the date of receipt of such proposal from the Director of Elementary Education, Assam. On the approval being granted, the arrear salaries of the Petitioner, be credited to his account. The Commissioner & Secretary to the Government of Assam, Department of School Education, within the time frame

mentioned, hereinabove, shall ensure that the approvals, as mandated from the Finance Department, is also received in the matter and the Finance Department shall also not unnecessarily delay grant of such approval after a proposal, in the connection, is made before them.

13. It is further provided that the time lines, as mentioned, hereinabove, shall be strictly adhered to by all the authorities, who are now required to process the matter towards compliance of the directions passed, hereinabove.

14. With the above observations and directions, the present Writ Petition stands disposed of.

JUDGE

Comparing Assistant