GAHC020004182026 2026:GAU-NL:411

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

Case No. : WP(C)/90/2026

SMTI. BENDANGLA AMER
GRADUATE TEACHER, GOVT. HIGHER SECONDARY SCHOOL,
MANGKOLEMBA, DISTRICT EDUCATION OFFICE, MOKOKCHUNG,
NAGALAND - 798601

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF
NAGALAND.

2:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF SCHOOL EDUCATION
NAGALAND
KOHIMA

3:THE PRINCIPAL DIRECTOR
DEPARTMENT OF SCHOOL EDUCATION
NAGALAND
KOHIMA

4:THE DIRECTOR
DEPARTMENT OF SCHOOL EDUCATION
NAGALAND
KOHIMA

5:THE ACCOUNTANT GENERAL
NAGALAND
KOHIM

Advocate for the Petitioner : Z. ZHIMOMI, KUPULI SWU,ZUCHAMO Y KIKON,LOVIKATO SWU,NEWTON ZHIMOMI

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

Date : 30-07-2026

WP(C)/88/2026, WP(C)/89/2026 and WP(C)/90/2026 are being disposed of by this common order as they pertain to the same subject matter.

2. Heard learned counsel for the Petitioner, Ms. Z. Zhimomi. Also heard Ms. Bichano Kithan, learned Government Advocate for the State Respondent Nos. 1, 2, 3 and 4, and Ms. P. Mhonbeni Ezung, learned counsel for Respondent No. 5.

WP(C)/88/2026

3.1 The Petitioner in **WP(C)/88/2026** was appointed to the post of LDA by order dated 15.04.1999 in Government High School, Mangkolemba in the pay scale of Rs. 1000-25-1125-30-1425-35-1180/- per month. Subsequently, the Petitioner was regularized by order dated 20.03.2001 wherein the Petitioner's name appears at Serial No. 2 along with 11 others and, in pursuance thereof, the Petitioner opened her Service Book. Thereafter, the Petitioner was promoted to the post of UDA by an order dated 09.05.2011 and subsequently by an order dated 30.08.2011, the Petitioner was transferred and posted to Government High School, Mangkolemba. Subsequently, the Petitioner applied for Modified Assured Career Progression (Referred to as 'MACP' for brevity), financial upgradation and in pursuance thereof by an order dated 16.09.2014, the Screening Committee granted MACP to the Petitioner along with 28 others

and she accordingly received the MACP. After completion of 20 years of service the Petitioner again applied for second MACP and in pursuance thereof, the Screening Committee again granted the second MACP to the Petitioner along with 28 others by an order dated 18.11.2024. The Petitioner is still awaiting grant of the benefit of the second MACP.

3.2 It is stated that towards the end of March 2025, the Petitioner was informed by the District Education Officer, Mokokchung that due to wrong fixation of her salary at the time when she was promoted to UDA, the State Respondents had issued an Excess Salary Drawal Statement to be recovered from her monthly salary. The Petitioner sought clarification from the Department and ever since she has been drawing the rectified salary. However, in the month of March 2026, the Petitioner was issued the impugned Overdrawn Salary Statement amounting to Rs. 6,12,808/- (Rupees Six Lakhs Twelve Thousand Eight Hundred Eight only) by the State Respondents and recovery to be made w.e.f. 09.05.2011 to 28.02.2025, i.e., 13 years 9 months and 20 days. When the Petitioner inquired about granting of her second MACP she was told that the same will be added into her Overdrawn Salary Statement.

3.3. The learned counsel for the Petitioner submits that the State Respondents had issued a Notification No. DSE/LEGAL/10-21-15 dated 29.01.2016 notifying that no recovery will be permissible from the employees of Class-III and IV and basing upon which 11 writ petitions filed earlier on the same ground were withdrawn by the Petitioners as the Respondent Government had complied with the notification dated 29.01.2016. However, in the Petitioner’s case, the Overdrawn Salary

Statement has not been withdrawn and further the Petitioner's second MACP benefit is being withheld by the State Respondents.

3.4. The Petitioner further submits that this case is squarely covered by the order dated 27.01.2026 passed by a Coordinate Bench of this Court in WP(C)/174/2025. In the said order dated 27.01.2026 passed in WP(C)/174/2025, this Court had allowed the writ petition and directed that the impugned statement of recovery and the contemplated recovery of the excess drawal were contrary to the notification dated 29.01.2016 and, therefore, the same were quashed and set aside. The Petitioner, therefore, prays for similar relief in the instant writ petition.

WP(C)/89/2026

4. In WP(C)/89/2026, the Petitioner was appointed as Language Teacher by order dated 14.03.2000 and posted in the Merachiba Memorial High School, Merangkong in the scale of pay of Rs. 1300-35-1615-45-2020-50-2570/- per month. The Petitioner was regularized by an order dated 25.03.2012 after 12 years of service and her Service Book was opened. The Petitioner applied for MACP and in pursuance of the application by an order dated 09.11.2023, the Screening Committee granted MACP to the Petitioner along with 23 others. However, the MACP was not granted to the Petitioner and during the last part of 2025, the Petitioner brought it to the notice of the District Education Officer, Mokokchung. In March 2026, the Petitioner was asked to collect a document from the office of the District Education Officer and when she went to collect the same it was found that it was an Overdrawn Salary Statement amounting to Rs. 2,08,309/- (Rupees Two Lakhs Eight

Thousand Three Hundred Nine only) issued by the Respondent Department and recovery thereof w.e.f. 01.03.2011 to 31.12.2023, i.e., 12 years 11 months. In the instant case also when the Petitioner inquired about grant of her MACP it was told that the same will be added into her overdrawn salary recovery.

WP(C)/90/2026

5. In WP(C)/90/2026, the Petitioner was appointed to the post of Graduate Teacher by an order dated 01.09.1993 in Government High School, Mangkolemba in the scale of pay of Rs. 775-25-950-30-1100-Eb-35-1590/- per month. The Petitioner was regularized in service by an order dated 30.11.2006 and thereafter the Petitioner opened her Service Book. The Petitioner is due for retirement from service on 31.08.2026 after serving for 35 years and to this effect a release order dated 11.05.2026 has been issued to the Petitioner. In the year 2025, by a notification dated 04.03.2025, the Principal Director, Department of School Education directed 183 teachers to submit their Service Book to the Directorate of School Education wherein the Petitioner is shown at Serial No. 13. Accordingly, the Petitioner has submitted her Service Book to the Directorate of School Education. On 13.05.2026, when the Petitioner collected her Service Book the State Respondents had issued an Overdrawn Salary Statement to the Petitioner w.e.f. 21.02.2008 to 31.03.2026, i.e., 18 years 1 month 11 days amounting to Rs. 8,27,334/- (Rupees Eight Lakhs Twenty-Seven Thousand Three Hundred Thirty-Four) apparently to be recovered from retirement benefits.

6. The learned Government Advocate has produced a letter written by the Principal Director, Directorate of School Education, Nagaland, Kohima

dated 30.06.2026 by which the Principal Director has stated that, "The *Department has carefully examined the matters in the light of the relevant facts, records and applicable provisions. Upon such examination, the Department has decided that it does not propose to contest the claims raised in the aforesaid writ petitions."* In view of this letter dated 30.06.2026, the learned Government Advocate submits that the State Respondents are not contesting the matters.

7. Considering the facts and circumstances as mentioned hereinabove and considering the fact that these cases are squarely covered by the order dated 27.01.2026 passed in WP(C)/174/2025, the writ petitions are allowed.

8. As a result the impugned statements of recovery enclosed as Annexure-F in WP(C)/88/2026, Annexure-D in WP(C)/89/2026 and Annexure-E in WP(C)/90/2026 are set aside and quashed. It is further provided that in **WP(C)/88/2026**, the State Respondents shall release the benefit of the second MACP to the Petitioner and in the case of the Petitioner in **WP(C)/89/2026**, shall release the first MACP. Further it is directed that in **WP(C)/90/2026**, the Respondent No. 5 shall not recover the overdrawal from the Petitioner's pension benefits.

9. Letter dated 30.06.2026 is marked as 'X' and kept on record.

10. With the above observations and directions, the instant writ petitions stand disposed of.

JUDGE

Comparing Assistant