GAHC010116902026

2026:GAU-AS:17050

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

Case No. : WP(C)/3163/2026

BHARAT CHANDRA DAS
S/O. LT. NAGEN CH. DAS, R/O. VILL. KALUBARI, P.O. AND P.S. NAGERBERA, DISTRICT-KAMRUP, ASSAM, PIN-781127.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GUWAHATI-6.

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

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
KAMRUP
AMINGAON-781035

4:THE DEPUTY INSPECTOR OF SCHOOLS
AMINGAON
KAMRUP
GUWAHATI-781035.

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
BOKO/CHAMARIA BLOCK
DIST-KAMRUP
ASSAM
CHAMARIA-35.

6:THE TREASURY OFFICER
AMINGAON
GUWAHATI-35

7:THE DIRECTOR OF PENSION
ASSAM
DISPUR
GUWAHATI-6.

8:THE ACCOUNTANT GENERAL (A AND E) ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-29.

9:THE SECRETARY
FINANCE DEPTT. GOVT. OF ASSAM
DISPUR
GUWAHATI-6

Advocate for the Petitioner : MR. R M CHOUDHURY,

Advocate for the Respondent : SC, ELEM. EDU, SC, FINANCE,SC, AG

BEFORE
HON'BLE MR. JUSTICE KARDAK ETE

O R D E R

Date : 19.11.2026.

Heard Mr. R.M. Choudhury, learned counsel for the petitioner. Also heard Mr. B. Kaushik, learned Standing Counsel appearing for the Elementary Education Department and Ms. S. Sarma, learned counsel appearing on behalf of Mr. B. Sarma, learned Standing Counsel for the Accountant General, Assam.

Having considered the simple nature of the prayer made by the petitioner in this proceeding and as agreed to by the learned counsel for the parties, this writ petition is disposed of at the admission stage itself.

By filing this writ petition, the petitioner has prayed for a direction to the respondent authorities to release his leave salary/leave encashment for the

period from 1995 to 2002.

The petitioner was appointed as an Assistant Teacher of the Sankardev M.E. School in the year 1993. His service was regularized w.e.f. 01.08.2000, vide order dated 15.03.2001. The petitioner had retired from his service on 30.11.2025, as the Head Master of Pathalipara L.P. School. After the retirement, the petitioner has received the pension, but has not received the full leave salary/leave encashment for the period from 1995—2002, except an amount of Rs.56,656/- (Rupees fifty six thousand six hundred and fifty sixe) only.

The petitioner contends that as no leave salary/leave encashment was paid to him for the period 1995—2002, he approached the respondent authorities by filing several representations from time to time, last being on 29.04.2026. However, same is yet to be considered by the respondent authorities.

Mr. Choudhury, the learned counsel for the petitioner submits that since the petitioner has approached the respondent authorities by filing representations from time to time and the last being on 29.04.2026, this writ petition may be disposed of with a direction to the respondent authorities to consider and dispose of the said representations.

Mr. B. Kaushik, learned Standing Counsel for the Elementary Education Department as well as Ms. S. Sarma, learned counsel appearing on behalf of the Accountant General, Assam have fairly submitted that they would not have any serious objection for disposal of the present writ petition, directing the respondent authorities to consider and dispose of the representation(s), filed by the petitioner, as it is not discernable from the records, annexed with the writ

petition as to whether the petitioner is entitled to receive the leave salary/leave encashment for the claimed period of 1995—2002.

Having considered the submissions advanced by the learned counsel for the parties and also considering that the respondent authorities are yet to consider and disposed of the representation(s), filed by the petitioner, claiming release of leave salary/leave encashment for the period 1995—2002, I deem it appropriate to dispose of the writ petition, with a direction to the respondent authorities, particularly the Director of Elementary Education Department, Govt. of Assam (respondent No.2), to consider the grievance of the petitioner.

The petitioner is directed to file a fresh representation before the Director of Elementary Education Department, Govt. of Assam (respondent No.2) for consideration of his grievance, within a period of 15 (fifteen) days from today.

It is accordingly ordered that the Director of Elementary Education Department, Govt. of Assam (respondent No.2) shall consider the representation of the petitioner, which would be filed by him, as directed here-in-above, within a period of four (4) weeks from the date of receipt of fresh representation of the petitioner.

The writ petition is disposed of in terms of the above direction.

JUDGE

Comparing Assistant