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

Case No. : WP(C)/5335/2026

MD ABDUL BATEN
SON OF SERAJUL HOQUE, RESIDENT OF VILL- THAKURANBARI, P.O.- MANKACHAR, P.S.- MANKACHAR, DIST- SOUTH SALMARA MANKACHAR, ASSAM- 783131

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, ELEMENTARY EDUCATION DEPARTMENT, DISPUR, GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-06

3:THE DIRECTOR
ELEMENTARY EDUCATION ASSAM
KAHILIPARA
GUWAHATI
ASSAM
781019

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
SOUTH SALMARA MANKACHAR
DIST- SOUTH SALMARA MANKACHAR
ASSAM

5:THE BLOCK ELEMENTARY EDUCATION OFFICER

MANKACHAR
DIST- SOUTH SALMARA MANKACHAR
ASSA

Advocate for the Petitioner : MR. A R BHUYAN, MR N Z CHOUDHURY,M YASMIN,MS. R YASMIN

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

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

23.11.2026

Heard Mr. A. R. Bhuyan learned Senior Counsel assisted by Mr. N. Z. Choudhury, learned counsel for the petitioner. Also heard Mr. G. Pegu, learned Standing Counsel Elementary Education.

2. This writ petition has been filed by the petitioner, who states he is a former Headmaster of Thakuranbari Namadaspara ME School in the District of South Salmara Mankachar. He superannuated from service on 31.01.2024. The limited grievance of the writ petitioner is that during his service, his salary for the month of May 2023 was not drawn in his account. That salary for the month of May 2023 remained pending and the Department did not release the said amount inspite of the petitioner having superannuated from his Office. It is submitted that the arrear salary proposal has already been submitted by the DEEO to the Office of Director of Elementary Education. However, the same has not yet been released. Being aggrieved, petitioner filed a representation before the Director of Elementary Education on 20.08.2026, addressing the copies to

the Secretary, Department of Finance, Government of Assam and Secretary to the Government of Assam, Elementary Education Department. It is submitted that this representation was submitted by Speed Post. The learned counsel for the petitioner has referred to the extract of the consignment report, which shows that the letter was delivered on 24.08.2026. Despite the representation being filed, the grievance of the writ petitioner not having been redressed, the present writ petition has been filed.

3. Notices in the matter were issued on 30.09.2026.

4. Mr. G. Pegu, learned Standing Counsel appearing for the Elementary Education submits that instructions are awaited, he prays for further 3 (three) weeks time.

5. This Court is of the view that the claim of the writ petitioner is with regard to the arrear salary for the month of May 2023 only, and there is no other claim. The representation dated 20.08.2026 is stated to have been submitted before the Director of Elementary Education. Under such circumstances, this Court is of the considered view that ends of justice will suffice, if the writ petition is disposed of with a direction to the Director of Elementary Education to examine the claim of the writ petitioner and dispose of the representation by passing a speaking order.

6. Needless to say, if any documents are required from the petitioner, the same may be called for and a copy of the speaking order be served upon the

writ petitioner also.

7. Let this exercise be completed within a period of 90 (ninety) days from the date of receipt of certified copy of this order.

8. Accordingly, this writ petition stands disposed of.

JUDGE

Comparing Assistant