GAHC010260142023

2026:GAU-AS:17439

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

Case No. : WP(C)/6753/2023

CHANDRA KANTA SARMA
S/O- LATE KUSHESWAR SARMA,
R/O- VILLAGE DA BARAHI GAON,
P.O- SALIKIHAR,
DIST- GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF EDUCATION, DISPUR, GUWAHATI-06

2:THE SECRETARY
TO THE GOVT. OF ASSAM
DEPARTMENT OF EDUCATION
DISPUR
GUWAHATI-06

3:THE DIRECTOR
ELEMENTARY EDUCATION
KAHILIPARA
GUWAHATI-19

4:THE DEPUTY COMMISSIONER
GOLAGHAT

P.O
P.S AND DIST-GOLAGHAT
ASSAM

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
GOLAGHAT

P.O
P.S AND DIST-GOLAGHAT
ASSAM

6:THE BLOCK ELEMENTARY EDUCATION OFFICER
GOLAGHAT EAST
BENGENAKHOWA BAGICHA NAGAR

P.O- BENGENAKHOWA

DIST-GOLAGHAT
ASSA

Advocate for the Petitioner : MR. R PHUKAN, MR. R MAHANTA,MR. P TALUKDAR

Advocate for the Respondent : SC, ELEM. EDU, GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 25.11.2026

Heard Mr. R. Phukan, learned counsel for the petitioner. Also heard Mr. P. N. Sarma, learned Standing Counsel, Elementary Education Department for the respondents.

2. By filing this writ petition, the petitioner has prayed for a direction to the respondent authorities to release his arrear salary for the period from July 2019

to February 2021.

3. The petitioner is serving as an Assistant Teacher under the Elementary Education Department, Government of Assam. On account of his illness, he availed leave for medical treatment for the period from 05.01.2018 to 30.06.2019. According to the petitioner, after availing the leave, he resumed his duties on 05.05.2020. However, despite his rejoining of duties on 05.05.2020, the respondent authorities have not released the arrear salary claimed by him.

4. Mr. R. Phukan, learned counsel for the petitioner, by placing reliance on the joining letter dated 05.05.2020, submits that the petitioner had joined his duty after availing the medical leave on 05.05.2020, which has been endorsed by the Head Teacher of St. John L. P. School, where the petitioner is serving. He submits that after resuming his duties, the petitioner, like other teachers and employees of the State, could not attend regular classes due to the outbreak of the COVID-19 pandemic. Therefore, since the petitioner has joined his duty on 05.05.2020, he cannot be deprived of his salary for the period from March 2020 to February 2021. Accordingly, he submits that the respondent authorities may be directed to release the arrear salary due to the petitioner.

5. Per contra, Mr. P. N. Sarma, learned Standing Counsel, Elementary Education Department, for the respondents, submits that as regards the claim of the petitioner, an enquiry was conducted by the Block Elementary Education Officer, East Golaghat Block. As revealed from the enquiry report, although the petitioner had been granted medical leave for the period from 05.01.2018 to 30.06.2019, he did not resume his duties upon expiry of the sanctioned leave

and remained unauthorizedly absent from 01.07.2019 to 07.03.2021 without any intimation to the concerned authorities. By a communication dated 03.09.2020, the petitioner was also directed to resume his duties. However, he joined only on 08.03.2021 and his salary was accordingly released with effect from that date. Therefore, he submits that the petitioner is not entitled to any salary for the period from 01.07.2019 to 07.03.2021 in view of the provisions of Fundamental Rule 17(1) as he did not work during the above period, rather remained unauthorizedly absent without any intimation.

6. Considered the submissions of learned counsel for the parties and also perused the materials available on record.

7. Admittedly, the petitioner was granted leave for medical treatment for the period from 05.01.2018 to 30.06.2019. Although the petitioner claims to have resumed his duties on 05.05.2020, the materials placed on record by the respondent authorities reveal that he had actually resumed his duties only on 08.03.2021. It is seen that the respondent authorities not only caused an enquiry through the Block Elementary Education Officer, Golaghat East Block, but also re-examined the petitioner's claim for release of arrear salary. Upon such enquiry, it was found that after expiry of his sanctioned leave on 30.06.2019, the petitioner remained unauthorizedly absent from 01.07.2019 to 07.03.2021. It is further evident from the materials on record that the petitioner was issued a communication dated 03.09.2020, calling upon him to resume his duties. However, as reflected in the enquiry report, the petitioner resumed his duties only on 08.03.2021.

8. The petitioner has placed reliance on a joining report purportedly submitted on 05.05.2020, bearing the endorsement of the Head Teacher of St. John L. P. School. However, upon perusal of the said document, particularly its vernacular copy, it is seen that apart from the endorsement by the Head Teacher, it contains a postal receipt of a registered letter. The said document does not clearly establish whether the joining report was actually submitted to the concerned authority on 05.05.2020 or whether the date appearing therein merely relates to the posting of the registered letter. Thus, the document relied upon by the petitioner does not conclusively establish that he had actually resumed his duties on the said date. Be that as it may, even if the submission of the learned counsel for the petitioner that he had resumed his duties on 05.05.2020 is accepted, the fact remains that the petitioner had remained absent from 01.07.2019 to 04.05.2020, after expiry of his sanctioned medical leave on 30.06.2019, without establishing that such absence had been duly authorized or regularized.

9. In view of the above discussion, this Court is of the view that the petitioner has failed to establish that he had resumed his duties immediately after expiry of his sanctioned medical leave w.e.f. 05.01.2018 to 30.06.2019, rather the materials on record indicate that the petitioner had resumed his duties only on 08.03.2021. Thus, the petitioner has failed to establish any entitlement for arrear salary for the period of his unauthorized absence from 01.07.2019 to 07.03.2021.

10. Considering that the petitioner is suffering from certain ailments and is retiring in the month of February 2027, this Court refrains from making any

observation as regards the disciplinary or other proceedings that would have been initiated against the petitioner in respect of his unauthorized absence.

11. Accordingly, writ petition stands dismissed being devoid of merit.

JUDGE

Comparing Assistant