GAHC030005942024

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

Case No. : WP(C)/98/2024

Sh. Abul Hussein Barbhuiya
S/o Sh. Md. Abdul Ahad Barbhuiya
C/o Vanlalhriata Hrahsel, Near BCM Church, P.O. Chawngte-L Pin-796770, District-Lunglei, Mizoram.

VERSUS

State of Mizoram r/b the Chief Secretary to the Govt. of Mizoram and 3 Ors.
Aizawl, Mizoram 2:The Secretary to the Govt. of Mizoram
School Education Dept.

3:The Director of School Education
Govt. of Mizoram

4:District Education Officer
Lawngtlai District.

5:The Chairman
Management Committee
Radha Mohn High Schoo

Advocate for the Petitioner : Mr F Lalengliana

Advocate for the Respondent : Addl. AG/GA, Mizoram

BEFORE

HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

12.10.2026

Heard Mr. F. Lalengliana, learned Senior Counsel assisted by Mr. C. Lalsangpuia, learned counsel for the petitioner. Also heard Ms. Lalnunhlui, learned Government Advocate for the respondent Nos. 1 to 4. No one appears for the respondent No. 5, despite issuance of notice to the respondent No. 5 two times.

2. The office note dated 08.10.2026 is to the effect that in terms of this Court's Order dated 14.07.2026, Registry had tracked the postal consignment in respect of respondent No. 5 and it was found that the notice was delivered to the addressee on 03.07.2026. Accordingly, notice is deemed to be served upon the respondent No. 5.

3 The petitioner's case is that he was illegally terminated from service on 01.07.2019, due to which he approached this Court by way of WP(C) No. 102/2019, wherein the petitioner prayed for reinstatement in service with payment of back wages from the date of his termination. This Court thereafter disposed of WP(C) No. 102/2019, vide Judgment & Order dated 27.02.2020 by reinstating him in service and directing the respondent No. 5, i.e., the Chairman, Radha Mohn High School, Kamalanagar, Chawngte-P, Mizoram, to pay his back wages from the date of his termination.

4. The operative portion of the Judgment & Order dated 27.02.2020 passed

in WP(C) No. 102/2019, which is at para 13, is reproduced herein below as follows:-

> "*13. In that view of the matter, the impugned Order, dated 01.07.2019 (Annexure-11), issued by the respondent No. 5, terminating the service of the petitioner is hereby set aside and quashed and the respondent No. 5 is directed to reinstate the petitioner in service with back wages from the date of termination, subject to production of the documents by the petitioner as required by the Order, dated 06.09.2019, issued by the respondent No. 5 under Memo No. C.11013/4/2019-RMHS, within 7 (seven) days from the date of receipt of a certified copy of this order, which shall be furnished by the petitioner.*"

5. In pursuance to the Judgment & Order dated 27.02.2020 passed in WP(C) No. 102/2019, the petitioner was reinstated into service and he accordingly gave his joining report on 31.10.2022. The petitioner's grievance is that though he was paid back wages from 01.07.2019 till August, 2020, he has not been paid back wages from 01.09.2020 till 31.10.2022. The petitioner has approached this Writ Court instead of filing a Contempt Petition, in view of Section 20 of the Contempt of Court's Act, which lays down a limitation period of 1 (one) year for filing a Contempt Petition.

6. As the issue only pertains to whether the petitioner has been paid back wages for his entire period of termination prior to reinstatement, this Court is of the view that the matter can be disposed of at this stage, inasmuch as, it has been stated at the bar that there has been no challenge to the Judgment & Order dated 27.02.2020 passed in WP(C) No. 102/2019.

7. Accordingly, this Court directs the respondent No. 5, i.e., the Chairman, Radha Mohn High School, Kamalanagar, Chawngte-P, Mizoram, to enquire as to whether the petitioner had been paid his entire back wages from 01.07.2019 till

his date of joining, i.e., 31.10.2022. If any back wages during the said period is not paid to the petitioner, the same should be paid to the petitioner. The respondent No. 5 is thus directed to take a decision as to whether the petitioner has been paid his entire back wages and if not paid, he should pay the same, after making a record of the back wages that has not been paid to the petitioner and give a copy of the said decision to the petitioner.

8. The above should be done within a period of 6 (six) months from today.

9. Writ Petition is accordingly disposed of.

JUDGE

Comparing Assistant