

GAHC010040222026



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

Case No. : WP(C)/1156/2026

RAMANI RAJBONGSHI
SON OF LATE HARENDER RAJBONGSHI, WARD NO.03, BHATTAPARA,
NEAR SBI BAZAR BRANCH, RANGIA TOWN, PINCODE- 781354, KAMRUP
DISTRICT, ASSAM.

VERSUS

THE STATE OF ASSAM AND 7 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REPRESENTED BY THE COMMISSIONER AND
SECRETARY TO THE GOVERNMENT OF ASSAM, EDUCATION HIGHER
DEPARTMENT, DISPUR, GUWAHATI-781006, ASSAM

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
EDUCATION HIGHER DEPARTMENT
DISPUR
GUWAHATI-781006
ASSAM.

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006
ASSAM

4:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI781019
ASSAM

5:TREASURY OFFICER OFFICE OF THE TREASURY OFFICER

KAMRUP METRO DISTRICT HENGRABARI
781036

6:THE ACCOUNTANT GENERAL (A AND E)
ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-781029

7:TREASURY OFFICER OFFICE OF THE SUB TREASURY OFFICER
KAMRUP DISTRICT TREASURY
RANGIA. 781354

8:THE RANGIA COLLEGE
REPRESENTED BY THE PRINCIPAL AND SECRETARY OF THE GOVERNING
BODY
RANGIA
PINCODE781354
KAMRUP
ASSAM

Advocate for the Petitioner : MR S KHOUND, MS. S. SAIKIA,MS. N BORAH

Advocate for the Respondent : SC, HIGHER EDU, SC, AG,SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 27.02.2026

Heard Mr. S. Khound, learned counsel for the petitioner, who submits that the petitioner retired as a Head Assistant of Rangia College and by filing this writ petition, he has challenged Letters dated 06.11.2025, 29.12.2025 & 12.02.2026 by which the recovery of excess Grade Pay drawn by the petitioner is contemplated. The learned counsel submits that drawal of Grade Pay of Rs.10,300/- by the petitioner was in terms of the sanction given by the Finance Department and subsequent Government orders and the same is not on account

of fraud or withholding of facts on the part of the petitioner. The benefit was granted to the petitioner as far back as in the year 2021 and the respondents therefore cannot seek recovery of the same at this stage. The learned counsel therefore submits that the impugned communications as mentioned here-in-above should be set aside.

In view of above, issue notice of motion, returnable by four (4) weeks.

Mr. D. Upamanyu, learned Standing Counsel, Higher Education Department, Government of Assam, accepts notice on behalf of the respondent Nos. 1, 2 & 4; Mr. A. Baruah, learned counsel accepts notice on behalf of Mr. C. Baruah, learned Standing Counsel, Accountant General, Assam, who represents the respondent No. 6 and Mr. B. Gogoi, learned Standing Counsel, Finance Department, accepts notice on behalf of the respondent Nos. 3, 5 & 7.

Petitioner to take steps for service of notice upon the respondent No. 8 by speed post within a period of three (3) working days.

Having regard to the projection made by the learned counsel for the petitioner, it is hereby provided that the respondents shall not make any recovery as contemplated through the impugned letter till the next returnable date.

List the matter again on 09.03.2026.

JUDGE

Comparing Assistant