

GAHC010050482024



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

Case No. : WP(C)/1418/2024

NIZARA THAKUR
WIFE OF LATE SIBA PRASAD THAKUR, RESIDENT OF ARUNDHATI
APARTMENT, JAYANTA NAGAR, GANESH MANDIR PATH, NEW GUWAHATI
TINIALI, NOONMATI, GUWAHATI- 781020, DISTRICT- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HIGHER EDUCATION, DISPUR, GUWAHATI-06

2:THE ADDITIONAL SECRETARY TO THE GOVERNMENT OF ASSAM
HIGHER EDUCATION DEPARTMENT
DISPUR
GUWAHATI-06

3:THE DIRECTOR OF HIGHER EDUCATION
KAHILIPARA
GUWAHATI-19

4:THE PRINCIPAL
DEBRAJ ROY COLLEGE
GOLAGHAT
PIN- 785621
ASSAM

5:THE ACCOUNTANT GENERAL
GOVERNMENT OF ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI
ASSAM

PIN- 78102

Advocate for the Petitioner : MRS. P BARMAN (BORKAKOTI), MR. A NARZARI,MS S
CHANGKAKOTI

Advocate for the Respondent : SC, HIGHER EDU, MR. P J SAIKIA(R-4),MS D DUTTA(R-4),SC,
AG

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

18.02.2026

Heard Mrs. P. Barman, learned counsel appearing for the petitioner. Also heard Mr. D. Upamanyu, learned Standing Counsel, Higher Education Department and Mr. P.J. Saikia, learned counsel appearing for the respondent No.4. Mr. R.K. Talukdar, learned Standing Counsel, Accountant General, appears for the respondent No.5.

2. Mrs. P. Barman, learned counsel appearing for the petitioner submits that despite the deceased Government employee's wife, i.e., the petitioner having returned the contributory provident fund in terms of the Amendment Act 2012 of the Assam College Employees (Provincialisation) Act, 2005, the family pension has not been released to her.

3. Mr. D. Upamanyu, learned Standing Counsel, Higher Education Department seeks a short accommodation to place the legal submissions arising in the matter.

4. Let the matter be fixed on **12.03.2026**.

5. Mr. P.J. Saikia, learned counsel appearing for the respondent No.4 has furnished a letter received from the Principal, Debraj Roy College (Autonomous), Golaghat, Assam, informing that the names submitted by the writ petitioner being similarly situated, having already been granted the family pension, are not borne out from the records.

6. A copy of the aforesaid instructions is kept on record and marked as 'A'.

7. Let a copy of the aforesaid instructions be also furnished to Mrs. P. Barman, learned counsel appearing for the petitioner.

JUDGE

Comparing Assistant