

GAHC010105582022



2026:GAU-AS:3823

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

Case No. : WP(C)/3766/2022

PUROBI PATOWARY @ PURABI PATOWARI
W/O. SRI MRIDUL CHANDRA KALITA, R/O. FLAT NO.4-A, BLOCK (A),
GAURAV APARTMENT, BISHNU RABHA PATH, BELTOLA, P.O. BELTOLA,
P.S. HATIGAON, DIST. KAMRUP, ASSAM, PIN-781028.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECY., TO THE GOVT. OF ASSAM,
HIGHER EDUCATION (TECHNICAL) DEPTT., DISPUR, GUWAHATI-06.

2:THE COMMISSIONER AND SECY.
TO THE GOVT. OF ASSAM
HIGHER EDUCATION (TECHNICAL) DEPTT.
DISPUR
GUWAHATI-06
ASSAM.

3:THE DIRECTOR OF TECHNICAL EDUCATION

KAHILIPARA
GUWAHATI-19
DIST. KAMRUP (M)
ASSAM.

4:THE PRINCIPAL
ASSAM ENGINEERING COLLEGE
JALUKBARI
GUWAHATI-13
DIST. KAMRUP (M)
ASSAM.

5:THE ACCOUNTANT GENERAL (A AND E)

ASSAM
MAIDAMGAON
BELTOLA
GUWAHATI-29
DIST. KAMRUP (M)
ASSAM.

6:THE TREASURY OFFICER

GUWAHATI
DIST. KAMRUP (M)
ASSAM

Advocate for the Petitioner : MR. I C DEKA, MR. D J SAIKIA

Advocate for the Respondent : SC, HIGHER EDU,

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 16.03.2026

Heard Mr. I. C. Deka, learned counsel for the petitioner. Also heard Mr. A. R. Tahbildar, learned Standing Counsel, Higher Education (Technical) Department, for respondent Nos. 1 to 4 and Mr. R. K. Talukdar, learned Standing Counsel, Accountant General, for respondent No. 5. None appeared for respondent No. 6.

2. By filing this writ petition, the petitioner has prayed for a direction to the respondent authorities to refund the deducted stipend amount from her salary on account of pursuing higher studies in Ph.D. degree under Quality Improvement Programme during the session 2008-2009 at Indian Institute of Technology, Kharagpur, for a period of 3 (three) years.

3. The case of the petitioner, in brief, is that she is working as a Professor in Assam Engineering College, Department of Electrical & Instrumentation, Jalukbari, Guwahati. On the basis of the Office Memorandum dated 25.04.2007 issued by the Government of Assam, the petitioner applied for her Ph.D. programme under Quality Improvement Programme (herein after referred to as QIP in short) during the session 2008-2009 and subsequently enrolled for the said Ph.D. programme after paying requisite fee.

4. By an Offer Letter dated 24.12.2007, issued by the Indian Institute of Technology (herein after IIT in short), Kharagpur, it was stated that the petitioner will be entitled to a scholarship of Rs. 6,000/- per month for the first two years and Rs. 6,400/- per month for the 3rd year subject to the recommendation of the Doctoral Scrutiny Committee. It was also indicated that the petitioner would be entitled to a contingency grant of Rs. 10,000/- per annum as contingency grant based on actual expenses.

5. Consequent upon the Offer of Admission to Ph.D. Programme under QIP by the Dean, CEP, IIT, Kharagpur, the respondent authorities, vide dated

22.01.2008, allowed the petitioner to undergo higher studies in Ph.D. degree course during the session 2008-2009 under QIP at IIT, Kharagpur for a period of 3 (three) years on the terms and conditions that the period of study under QIP would be treated as on duty with pay without stipend and other benefits for normal duration of the course. The petitioner would be bound to serve the State Government for minimum period of 10 (ten) years after acquiring qualification in Ph.D. Degree or to pay Rs. 25 Lakhs in lieu thereof as per conditions of the bond executed. The respondent authorities thereafter released the petitioner with an stipulation that same shall be minus the stipend amount of Rs. 6,000/- for 2 (two) years and Rs. 6,400/- for the 3rd year. On such condition, the petitioner had joined IIT, Kharagpur and pursued the Ph.D. degree during the session 2008-2009 under QIP.

6. It is the contention of the petitioner that she come to know that no deduction of stipend from the salary was made in case of other scholars who have persuaded the higher studies in Ph.D. degree under QIP, nor there was any direction to deduct the said stipend. It is further contended that the IIT, Kharagpur paid Rs. 6,000/- per month for first 2 (two) years and Rs. 6,400/- per month for 3rd year to the petitioner after recommendation of the Doctoral Scrutiny Committee and another contingency grant of Rs. 10,000/- per annum to the petitioner based on actual expenses. Against such payment of scholarship to QIP candidates, the petitioner had to assist in teaching/laboratory classes or in any other academic work for about 8 hours in a week. The respondent authority, being the sponsoring authority, has nothing to do with such payment of scholarship of petitioner as the same is paid by the IIT, Kharagpur.

7. Mr. Deka, learned counsel for the petitioner, submits that there is a clear distinction between the word "stipend" and "scholarship". The respondent authority, being the sponsoring authority, did not grant any stipend to the petitioner. It is only the IIT, Kharagpur who paid scholarship to the petitioner. Granting of scholarship by IIT, Kharagpur and the stipend are two different and distinguished payment. He submits that no deduction has been made from other QIP candidates who have persuaded higher study of Ph.D. degree. Therefore, the respondent authorities have no authority to deduct the amount of scholarship paid by IIT, Kharagpur from the salary of the petitioner and as such the deduction of amount of scholarship given to the petitioner treating it as stipend by the respondent authorities is illegal and the same may be directed to be refunded to the petitioner.

8. Mr. A. R. Tahbildar, learned Standing Counsel, Higher Education (Technical) Department, on the other hand, submits that the petitioner was allowed to undergo higher study in Ph.D. Degree course under QIP at IIT, Kharagpur for a period of 3 (three) years from the date of her release subject to certain terms and conditions. The letter dated 22.01.2008, by which the petitioner was permitted to undergo higher study in Ph.D. course under the QIP clearly mentioned the condition that the period of study would be treated as on duty with pay and allowances without stipend and other benefits for normal duration of the course and accordingly, the monthly stipend amount of Rs. 6,000/- per month for 2 (two) years and Rs. 6,400/- for 3rd year have been deducted from the pay of the petitioner in terms of the said conditions.

9. He submits that vide letter dated 28.02.2012, the authorities in the Higher Education (Technical) Department issued clear instructions to all the Principals of Engineering Colleges of the State to ensure deduction of stipend and allied benefits received by sponsored candidates who had undergone higher studies under QIP, if not already deducted earlier. The petitioner having accepted the terms and conditions stipulated by the Government of Assam, while permitting to undergo higher studies of Ph.D. at IIT, Kharagpur, cannot turn back and claim for refund of the amount of stipend lawfully deducted in accordance with the government instructions. Therefore, the writ petition has no merit and as such, the same may be dismissed.

10. I have considered the submissions of learned counsel for the parties and also perused the materials available on record.

11. Vide letter dated 24.12.2007 by the Dean, CEP of IIT, Kharagpur, an offer of admission to Ph.D. programme under QIP was given to the petitioner. The offer letter by the IIT, Kharagpur stipulates that the admission to the programme under QIP is subject to agreeing to treat the petitioner on deputation for 3 (three) years with full salary and allowances as applicable by the employer/sponsoring authority of the petitioner. It also provides that the petitioner would be entitled for scholarship of Rs. 6,000/- per month for the first 2 (two) years and Rs. 6,400/- per month for 3rd year on the recommendation of the Doctoral Scrutiny Committee and an amount of Rs. 10,000/- per annum as contingency grant based on actual expenses. For payment of scholarship/fellowship to QIP candidates, the petitioner is required to assist in

teaching/laboratory classed or any other academic work for about 8 hours a week.

12. The respondent authorities vide communication dated 22.01.2008 by the Deputy Secretary to the Government of Assam, Higher Education (Technical) Department, to the Director of Technical Education, Assam, permitted the petitioner for higher studies in Ph.D. degree course under QIP at IIT, Kharagpur for a period of 3 (three) years with effect from the date of release subject to the terms and conditions to the effect that the period of study under QIP will be treated as on date with pay without stipend and other benefits for normal duration of the course. It further stipulates that the petitioner would be bound to serve the State Government for minimum period of 10 (ten) years after acquiring qualification in Ph.D. degree or to pay of Rs. 25 Lakhs in lieu thereof as per conditions of the bond executed with an intimation to the Principal, Assam Engineering College, Jalukbari, Guwahati to release the petitioner who is serving as a Lecturer in Electrical Engineering to enable her to join at IIT, Kharagpur clearly providing that her pay during the period of higher studies of Ph.D. at IIT, Kharagpur will be minus the stipend amount of Rs. 6,000/- per month for 2 (two) years and Rs. 6,400/- for the 3rd year. On the above terms and conditions, the petitioner persecuted the higher studies of Ph.D. under QIP at IIT, Kharagpur.

13. It is the case of the petitioner that the payments of Rs. 6,000/- per month for first 2 (two) years and Rs. 6,400/- per month for 3rd year were purely scholarship granted by the IIT, Kharagpur and no stipend was paid to the petitioner by the sponsoring authority, i.e. respondent authority. Therefore, no

deduction could have been made from the pay of the petitioner. More so, when no deductions have been made in respect of the other QIP candidates who have clearly undergone higher studies in Ph.D. degree course.

14. Upon consideration of the permission granted to the petitioner by the respondent authorities to undergo higher studies in Ph.D. degree course during the session 2008-2009 under QIP at IIT, Kharagpur for a period of 3 (three) years, it clearly reflects that the period of study under QIP would be treated as on duty with pay without stipend and other benefits for normal duration of the course. Thus, it expressly stipulates that the petitioner would not be entitled to any stipend and other benefits except the pay and allowances and the petitioner, having been accepted such terms and conditions, had undergone the higher studies in Ph.D. course during the session 2008-22009 at IIT, Kharagpur and thereafter received the amount of Rs. 6,000/- per month for first 2 (two) years and Rs. 6,400/- per month for the 3rd year, would not be permitted to agitate that the respondent authorities cannot deduct the amount of stipend received by the petitioner from her salary as the permission granted to the petitioner is subject to terms and conditions of treating the period of study under QIP as on duty with pay without stipend and other benefits.

15. Although, the learned counsel for the petitioner has made a vain attempt to distinguish the stipend and scholarship, this Court is not convinced as it is true that the words "stipend" and "scholarship" have two different connotations, but provides financial aid having different purpose as the stipend is a fixed regular sum paid as salary or as expenses to teacher, public officials or students

and the scholarship is a grant or payment made to support a student's education awarded on the basis of academic or other achievement, however, the fact remains that the respondent authorities had permitted the petitioner with a clear stipulation that she would be entitled for pay and allowances without stipend by specifically specifying the amount of Rs. 6,000/- per month for 2 (two) years and Rs. 6,400/- per month for 3rd year.

16. Regard being had to the submission that no deductions have been made from the other similarly situated QIP candidates who have undergone higher study in Ph.D., it is seen that on her own showing, the Commissioner and Secretary to the Government of Assam, Higher Education (Technical) Department, has issued a communication to all the Principals of Engineering Colleges of Assam, for deduction of stipend amount of faculty members who have pursued higher study under QIP in terms of the Office Memorandum dated 19.07.2006. Thus, the respondent authorities have sought to deduct the stipend which have been received by all the QIP candidates. Therefore, the contention of the learned counsel for the petitioner falls flat.

17. For the foregoing reasons, I am of the considered view that the claim for refund of an amount deducted from the pay of the petitioner as stipend which the petitioner has received during the course of higher study in Ph.D. at IIT, Kharagpur cannot be accepted as the petitioner was granted permission to undergo higher study in Ph.D. at IIT, Kharagpur, on the condition that the petitioner would be treated as on date with pay without stipend and other benefits for normal duration of course under QIP at IIT, Kharagpur for a period of 3 (three) years. Thus, no relief for refund of the amount deducted as stipend

from the pay of the petitioner can be granted.

18. In the result, the writ petition stands dismissed being devoid of merit.

JUDGE

Comparing Assistant