

GAHC010185652025



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

Case No. : WP(C)/4794/2025

KUMAR BIKASH NATH
S/O- LATE ANIL KUMAR NATH, R/O- VILL.- HENGALPARA, P.O.
HENGALPARA, DIST. DARRANG, ASSAM, PIN- 784148.

VERSUS

THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM AND 6
ORS
HIGHER EDUCATION DEPARTMENT, GUWAHATI, ASSAM-781006.

2:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA MAIN ROAD
KAHILIPARA
GUWAHATI
ASSAM-781019.

3:THE UNIVERSITY GRANTS COMMISSION
REPRESENTED BY THE CHAIRMAN UGC
BAHADUR SHAH ZAFAR MARG
NEW DELHI-110002.

4:THE VICE CHANCELLOR
GAUHATI UNIVERSITY
GOPINATH BORDOLOI NAGAR
JALUKBARI
GUWAHATI
ASSAM-781014.

5:THE PRINCIPAL JAGIROAD COLLEGE
DIST. MORIGAON
P.O. MORIGAON
ASSAM
PIN- 782410.

6:SAMARJYOTI BAISHYA
FACULTY OF RETAIL MANAGEMENT DEPARTMENT UNDER B.VOC
PROGRAMME
JAGIROAD COLLEGE
DIST. MORIGAON
P.O. MORIGAON
ASSAM-782410.

7:THE GOVERNING BODY
REPRESENTED BY ITS PRESIDENT JAGIROAD COLLEGE
DIST. MORIGAON
P.O. MORIGAON
ASSAM-782410

Advocate for the Petitioner : MR P R SARMA, MS P DEVI

Advocate for the Respondent : SC, HIGHER EDU, SC, G U,SC, U G C

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER**

20.08.2025

Heard Mr. P.R. Sarma, learned counsel for the petitioner; Mr. S. Bhuyan, learned counsel for the respondent Nos. 1 & 2; Mr. R. Bhuyan, learned counsel for the respondent No. 3; and Mr. R.C. Alom, learned counsel appearing on behalf of Mr. P.J. Phukan, learned counsel for the respondent No. 4.

2. Mr. Sarma, learned counsel for the petitioner submits that the petitioner was appointed as Contractual Faculty in Retail Management Department at Jagiroad College, Morigaon, on 11.08.2017. Thereafter, vide order dated 01.09.2017, he was re-engaged as Contractual Faculty at B.Voc (Retail Management) Programme and since then, he had rendered his service till the date of his termination, on 27.06.2025.

2.1. Mr. Sarma further submits that the petitioner was terminated from his

service, on 27.06.2025, on account of financial crisis of the college and also due to no students being admitted in the year 2024 – 2025 and in 2025 – 2026, and currently, only 3 numbers of 3rd semester students appeared in the Retail Management Department. Mr. Sarma also submits that the college authority had informed the petitioner that the college is not in a position to continue with two faculties in the department for further term and thereafter, released the petitioner.

2.2. Further submission of Mr. Sarma is that the petitioner is the senior most faculty and in view of the decision of Hon'ble Supreme Court in the case of **State of Uttar Pradesh and Another vs. Kaushal Kishore Shukla**, reported in **(1991) 1 SCC 691**, the petitioner being the senior most, could not have been discharged as the principle of 'last come first go' is applicable to a case, where on account of reduction of work of shrinkage of cadre retrenchment takes place and the services of employees are terminated on account of retrenchment and in view of aforesaid principle his junior faculty would have been discharged.

2.3. It is further submitted by Mr. Sarma that the petitioner has not been paid salaries for the month of June, 2024 and February, 2025. Under such circumstances, Mr. Sarma has contended to interfere with the termination order dated 27.06.2025 and in the interim, to direct the Principal of Jagiroad College, Morigaon (respondent No. 5) to release the salaries of the petitioner for the aforementioned months.

3. The submission of Mr. Sarma needs further consideration.

4. At this stage, notice be issued to the respondents, within a week from today, by registered post with A/D and by usual process, returnable in 4 weeks.

As the respondent Nos. 1 – 4 have been represented by their engaged counsel, no formal notice is required to be issued to them. However, extra requisite copy of the petition be furnished to them during the course of the day. Additionally, upon the respondent Nos. 5, 6 & 7, dasti service is also permitted.

5. After effecting service of notice upon the respondent Nos. 5, 6 & 7 by dasti mode, the learned counsel for the petitioner shall file an affidavit in this regard.

6. List the matter after 4 weeks.

7. In the interim, considering the submission of Mr. Sarma, learned counsel for the petitioner, the respondent No. 5, i.e. the Principal of Jagiroad College, Morigaon, is directed to release the pending salaries of the petitioner for the month of June, 2024 and February, 2025.

Comparing Assistant

JUDGE