

GAHC010229362025



2026:GAU-AS:7801

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 : MR P R SARMA

Advocate for : SC

HIGHER EDU appearing for THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF ASSAM AND 6 ORS

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 03.06.2026

Heard Mr. P R Sarma, Learned Counsel for the Petitioner. Also
heard Mr. S Das, Learned Standing Counsel, Department of
Higher Education, Assam, appearing for the Respondents No. 1
& 2, Ms. R Devi, Learned Counsel appearing for Respondent No.
3, Mr. R A Sheikh, Learned Counsel appearing for Respondent
No. 4 and Mr. S K Das, Learned Counsel appearing for

Respondent Nos. 5 & 7. None appears for the Respondent No. 6.

Mr. P R Sarma, Learned Counsel for the Petitioner, at the outset, has submitted that he would not be pressing the prayer made in the present Writ Petition, pertaining to the release of the Petitioner from services of the College, in as much as, the department of B. V.o.C, Retail Management Course, has since been closed down, on account of the students not enrolling themselves for the said course.

However, Mr. P R Sarma, Learned Counsel for the Petitioner submits that he be granted liberty to approach the Civil Court of competent jurisdiction, claiming compensation, with regard to his arbitrary release from services. Mr. P R Sarma, Learned Counsel for the Petitioner submits that he would press the prayer for release of the salaries of the Petitioner, pending for the month of June, 2024 and February, 2025.

Mr. S K Das, Learned Counsel appearing for Respondent Nos. 5 & 7, has submitted that the salaries of the Petitioner, for the month of June, 2024, was already authorized to him on the month of September, 2024. However, the Petitioner while instituting the present Writ Petition has suppressed the said fact.

With regard to the prayer of the Petitioner for payment of salary for the month of February, 2025, Mr. S K Das, Learned Counsel appearing for Respondent Nos. 5 & 7, has submitted that the Petitioner, during the month of February, 2025, having not worked for minimum 100 (hundred) hours i.e. for 22-26 working

days or 60 (sixty) hours, for 10-16 working days, his salaries have not been released, in terms of the norms laid down by the College authorities, in this connection. The Petitioner is contended to have worked only for 16 (sixteen) days and that to for 82.24 hours.

Accordingly, he submits that the pay of the Petitioner for the month of February, in terms of the decision of the Governing Body of the College, would not be mandated to be released.

Considering the submission made by the Petitioner in the present Writ Petition, this Court provides that the Petitioner would be at liberty to approach the Civil Court of competent jurisdiction, claiming compensation, with regard to his release, after establishing the fact before the said Court that the same was illegal.

With regard to the prayer made by the Petitioner for release of his salary for the month of June, 2024, this Court finds, from the materials coming on record, that the said salary of the Petitioner was credited to his account in the month of September, 2024. However, the said fact is not found to have been highlighted in the present Writ Petition. The Petitioner in the pleadings brought on record in the connected Interlocutory Application, being I.A. (Civil) No. 3395/2025, has projected that it was only after the filing of the connected Interlocutory Application, that he come to learn of the salary for the month of June, 2024, being credited into his account in the month of September, 2024. This Court has perused the said contentions made in the said Interlocutory

Application, by the Petitioner, herein, and finds the same to be not acceptable.

Having drawn the said conclusions, this Court finds that the salaries of the Petitioner for the month of February, 2025, have not been released to him. The Learned Counsel for the Respondent No. 5 & 7, have contended that the Petitioner not having worked, in terms of the norms set out for working hours, for Contractual Teachers, engaged in the College by the Governing Body of the College, he is not entitled to receive any pay for the month of February, 2025.

This Court finds that the said prescription to be clearly arbitrary, the Petitioner on the own showing of the Respondent No. 5 and 7, had worked in the College for 16 (sixteen) days and that to for 82.24 hours. The Petitioner having been found to have worked in the College, for at least 16 (sixteen) days, he would be entitled to at least half of the wages as authorized to him for the whole month.

Accordingly, the College authorities are directed to release the wages of the Petitioner for 16 (sixteen) days and to release the same to him within a period of 1 (One) month from the date of receipt of a certified copy of this order.

With the above observations and directions, the present Writ Petition stands disposed of.

Interim order passed earlier stands vacated.

JUDGE

Comparing Assistant