

GAHC010204322025



2026:GAU-AS:6083

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

**Case No. : WP(C)/5354/2025**

RAM GOPAL PRASAD  
S/O LT. MAHABIR PRASAD, RESIDENT OF BASISTHA LOTAKATA, SANTI  
NAGAR, GHY-29, DISTRICT KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT  
OF ASSAM, HIGHER EDUCATION DEPARTMENT, GUWAHATI, ASSAM-  
781006

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

3:THE COMMISSIONER AND SECRETARY  
GOVT OF ASSAM  
FINANCE DEPARTMENT  
DISPUR  
GUWAHATI  
ASSAM  
PIN-781006

4:THE REGISTRAR  
GAUHATI UNIVERSITY  
JALUKBARI  
GUWAHATI-14

5:THE VICE CHANCELLOR

GAUHATI UNIVERSITY  
JALUKBARI  
GUWAHATI- 14

6:THE FINANCE OFFICER  
GAUHATI UNIVERSITY  
JALUKBARI  
GUWAHATI-1

**Advocate for the Petitioner** : S YESMIN, MR. A HUDA,MR D MEDHI,MR P R SARMA

**Advocate for the Respondent** : SC, HIGHER EDU, SC, FINANCE,SC, G U

**BEFORE**  
**HONOURABLE MR. JUSTICE NELSON SAILO**

**ORDER**

**Date : 05.05.2026**

Heard Mr. P. R. Sarma, learned counsel for the petitioner and Mr. R. A. Sheikh, learned counsel appears on behalf of Mr. P. J. Phukan, learned Standing Counsel, Gauhati University.

**[2.]** Considering the issue involved and the developments that has taken place, this Court is of the considered view that the writ petition can be disposed of at this stage.

**[3.]** The petitioner who was working as Junior Cash Collector in the Gauhati University was placed under suspension w.e.f 06.10.2003, on account of being arrested due to some allegation levelled against him. The petitioner continued to be under suspension till he was terminated on 03.05.2011. The petitioner thereafter initiated WP(C)/4593/2021, challenging Office Order dated 05.03.2019, by which all financial benefits including post retirement benefits was stopped with immediate effect pending departmental proceeding. This Court noticing that the petitioner had already been terminated from service vide

order dated 15.06.2011, dismissed the writ petition however, by observing that if there remained any benefit entitled to the petitioner including subsistence allowance and return of his 4 KVPs, the petitioner may file a detailed representation before the Registrar, Gauhati University, highlighting the dues receivable by him other than the pension and pensionary benefits on account of the services rendered by him prior to his termination from service. That the representation to be filed be considered by the said authority in accordance with law by disposing of the same with a speaking order.

**[4.]** Although the petitioner submitted his representation in terms of the said direction on 14.06.2024, but since the same had not yielded any result, the petitioner initiated the instant writ petition. During the pendency of the instant writ petition, the Registrar, Gauhati University on 04.11.2025, passed a speaking order by which it was observed that the petitioner already received 75% of the subsistence allowance till the date of his termination on 03.05.2011. Further, since Enquiry Report dated 12.01.2011 was with the finding that the petitioner had misappropriated an amount of Rs.4,02,767.37, he is not entitled to the 4 KVPs claimed by him. The said claim was further rejected on the ground that the petitioner was convicted by the Special Judge, CBI in Special Case No.33/2008 and fine was imposed upon him. The said speaking order was enclosed by the respondent University No.4, 5 and 6 in their affidavit filed on 02.02.2026.

**[5.]** The petitioner in response to the same has filed his reply affidavit on 07.04.2026, contending *inter alia* that the entitlement of the petitioner cannot be withheld in such a manner. Further, the petitioner denied having received the arrear subsistence allowance.

**[6.]** The learned counsel appearing for the petitioner also submits that the

speaking order could not have been passed in such a manner in view of the fact that the same is hit by constructive *res judicata* as this Court in the earlier round of litigation had clearly observed that the petitioner should file a representation claiming whatever dues to him including the 4 KVPs.

**[7.]** It may however be seen that this Court vide order dated 10.01.2024 in WP(C)/4593/2021 besides observing that the petitioner may file his representation claiming whatever according to him was due to him prior to his termination from service including the claim for 4 KVPs had also observed that the respondent University shall consider the representation to be submitted by the petitioner strictly in accordance with law and thereafter, dispose of the same by way of a speaking order. Therefore, that is how the speaking order dated 04.11.2025 has been passed by the Gauhati University through its Register. In such circumstances if the petitioner is aggrieved by the speaking order so passed, it would be incumbent on his part to challenge the same through appropriate proceedings and not by merely countering it by way of a reply affidavit.

**[8.]** Therefore, upon due consideration, this Court finds that this writ petition in its present form cannot be considered and accordingly the same stands closed. However liberty is granted to the petitioner to initiate appropriate proceedings as may be permissible in law, if so advised.

**[9.]** With the above observations and directions, the writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**