

GAHC010219372022



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

**Case No. : WP(C)/6962/2022**

SMTI. SUBHAJYOTI BORGOHAIN  
D/O DULAL BORGOHAIN, R/O VILL-MAJUMELIA, P.O.-PHULPANI CHIGA,  
P.S.-GAURISAGAR, DIST- SIVASAGAR, ASSAM, PIN-785683

VERSUS

THE UNIVERSITY GRANT COMMISSION (UGC) AND 2 ORS  
REPRESENTED BY THE CHAIRMAN, BAHADUR SHAH ZAFAR MARG, NEW  
DELHI-110002

2:THE EDUCATION OFFICER  
UNIVERSITY GRANT COMMISSION (UGC)  
NORTH EASTERN REGIONAL OFFICER  
GUWAHATI  
3RD FLOOR  
HOUSEFED COMPLEX  
RENTAL BLOCK-V  
BELTOLA BASISTHA ROAD  
DISPUR  
GUWAHATI-781006  
ASSAM

3:THE PRINCIPAL  
JHANJI HEM NATH SARMA COLLEGE  
P.O.-JAMUGURI  
P.S.-GAURISAGAR  
DIST- SIVASAGAR  
ASSAM  
PIN-78568

**Advocate for the Petitioner : MR. P SAIKIA**

**Advocate for the Respondent : SC, U G C**

**BEFORE  
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**06.12.2023**

Heard Mr. P. Saikia, learned counsel for the petitioner. Also heard Mr. A. Chamuah, learned Standing Counsel, UGC for the respondent nos. 1 & 2.

This writ petition is filed by the petitioner who was employed as a substitute Teacher in Jhanji Hem Nath Sarma College, Sivasagar. Because of certain financial irregularities noticed by the University Grant Commission (UGC) in respect of Jhanji Hem Nath Sarma College, Sivasagar as well as some other colleges, the earmarked funds were not released due to the enquiries being made. In the process the petitioner's salary was held up. Accordingly, the writ petition has been filed praying for a direction to the respondent authorities to release the petitioner's salary with effect from 01.09.2015 to 30.11.2016 along with interest @ 14%.

The UGC/respondent nos. 1 & 2 have filed a counter affidavit wherein, they did not dispute the fact that the petitioner had worked for the period concerned. In the said affidavit the UGC has stated that the concerned file was processed for release of the grant of the College which included funds payment

of remuneration of the petitioner. It is further stated that North East Regional Office (NERO) had received the funds at the end of March, 2022. However, the payments to the College could not be released within March 2022 and consequently, the sanction had lapsed. However, pursuant to this the file has been processed again for release of necessary funds for payment of remuneration to the petitioner. The Para-10 of the affidavit is extracted below:

*“10. That the answering respondents beg to submit that the said college committed serious financial anomalies in executing schemes awarded by the UGC and misappropriated huge amounts of money granted by the UGC. The details of financial anomalies committed by the said college were unearthed by the aforesaid Enquiry Committee Report. However, the file was processed during 2021-2022 to pay the remuneration to the Substitute Teacher, namely, Smt. Subhajyoti Borgohain. The NERO, Guwahati had received the fund at the end of March 2022 and effort was made to make payment to the college. However, due to the rush on the PFMS portal on the last day of March 2022, the payment couldn't be materialized through the PFMS system, and thus, lapsed. On the other hand, during the year 2022-2023, the UGC NERO office was in the process of relocation from Guwahati to UGC New Delhi and the fund was not received during the said period. Now the file is being processed again for the release of the grant to the college specifically for payment of Remuneration to the Petitioner. It is stated that as and when the fund is allocated, the grants pertaining to the Substitute Teacher Smt. Subhajyoti Borgohain will be*

*released to the college on a priority basis.”*

Having heard the learned counsel for the parties, this it is seen that there is no dispute at the Bar that the petitioner had rendered her service as a substitute Teacher in Jhanji Hem Nath Sarma College, Sivasagar and salary to the petitioner for the period of 01.09.2015 to 30.11.2016 has not been released. It is heartening to know that UGC has taken up this issue and has processed the necessary files and papers for release of grants for payment of remuneration to the petitioner.

In that view of the matter, this writ petition is disposed of directing the respondent authorities, more particularly, the respondents no. 1 & 2 to expedite the process for sanction and release of fund to the concerned college for remuneration to the petitioner. In the said process, if any particulars are necessary from the concerned college or any other authority, the UGC will be at liberty to call for the same. Upon such requisition being sought for by the UGC, the concerned authority without any further delay will furnish the same to the UGC. The UGC if permitted under the Rules and Procedure may also release the amount directly to the credit of the petitioner's account after due intimation to the College. The account particulars if required will be furnished by the petitioner as required by the UGC.

The entire process as directed by this Court above shall be completed as expeditiously as possible and the salary of the petitioner, as prayed for, shall be released to her as early as possible preferably within the outer limit of 60 (sixty) days from the date of receipt of a certified copy of this order.

The writ petition stands disposed of in terms of the above.

**JUDGE**

**Comparing Assistant**