GAHC010246642025

2026:GAU-AS:11961

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

Linked Case : WP(C)/6579/2025

ABU BOKKAR SIDDIQUE ANND 18 ORS
SON OF MOBIZ ALI MONDAL
RESIDENT OF VILLAGE- SHONAMOYEE
P.O. AOLATOLI-783139
DISTRICT- GOALPARA
ASSAM

2: MRS. ARATI NARZARY
W/O MR KARA RAM DAIMARY VILL AND P.O. KHAIRABARI-784522
DIST. UDALGURI
BTAD
ASSAM

3: SRI PRADIP DEKA
S/O SRI JHILKA DEKA
RESIDENT OF VILL- JARGAON
P.O. BARALAKHAT-784522
DIST. UDALGURI
BTAD
ASSAM

4: MD. ABDUL GOFUR
S/O MOHAMMAD ALI
R/O VILL- SANTIPUR
P.O. AIRKATA-783330
DIST. DHUBRI
ASSAM

5: NURUZZAMAN
SON OF ABDUL MALEQUE

RESIDENT OF VILL- MOIRAKUCHI PART-I
P.O. AIRKATA-783330

DIST. DHUBRI
ASSAM

6: MRS. MOBIDA AHMED
W/O ABU BAKKAR SIDDIQUE
RESIDENT OF VILL AND P.O. NAGARBERA-781127
DIST. KAMRUP
ASSAM

7: MD. SHAHINUR ISLAM AHMED
SON OF MOJAR ALI AHMED
RESIDENT OF VIL- CHENGURCHAR
P.O. PURANDIARA-783135
DIST. SOUTH SALMARA
ASSAM

8: AKBAR BADSHA
SON OF JURAN ALI
R/O VILL AND P.O. HATSINGIMARI-783135
DIST. SOUTH SALMARA

9: MD. ABDUS SATTAR

SON OF MD. JOYNAL ABEDIN RESIDENT OF VILL- CHIKNI
P.O. KAPAHTALI-781321
DIST. BARPETA
ASSAM

10: MD. MONIRUZZAMAN SHEIKH
SON OF MOZAMMUL HAQUE BEPARI
RESIDENT OF VIL- TILAPARA
P.O. PURANDIARA-783135
DIST. SOUTH SALMARA
ASSAM

11: KULDIP RAJIB
SON OF LATE SAMSUL HAQUE
RESIDENT OF VILL AND P.O. MOINBARI-781321
DIST. BARPETA
ASSAM

12: JAHAN UDDIN AKOND
SONOF MD. ABDUR RAHMAN AKOND
RESIDENT OF VILL- ROGHUPARA
P.O. FEKAMARI-783135
DIST. SOUTH SALMARA
ASSAM

13: AMIRUL ISLAM
SON OF SOYED ALI
RESIDENT OF VILL- KATHALBARI
P.O. PURANDIARA-783135
DIST. SOUTH SALMARA
ASSAM

14: SAMSUL ALAM MONDAL
S/O SHUDERU MONDAL
R/O VILL- DAYARCHAR
P.O. FEKAMARI-783135
DIST. SOUTH SALMARA
ASSAM

15: MR. EUNICH HOQUE
SON OF LATE AMIRUDDIN BEPARI
RESIDENT OF VILL AND P.O. JHAPUSABARI-783335
DIST. DHUBRI
ASSAM

16: BASIRUDDIN BEPARI
SON OF LATE MONIRUDDIN SK.
R/O VILL- TALLI PART-I
P.O. AGOMONI-78335
DIST. DHUBRI
ASSAM

17: MOSTAFIZUR RAHMAN
SON OF SUZAD ALI SARKAR
RESIDENT OF VILL- CHAGALIA PART-II
P.O. CHAGOLIA -783335
DIST. DHUBRI
ASSAM

18: ROWSHAN ALOM
S/O GAFUR UDDIN MONDAL
R/O VILL AND P.O. HATSINGIMARI-783135

DIST. SOUTH SALMARA
ASSAM

19: MD. MONIRUZZAMAN SHEIKH
S/O ABDUL KHALEQUE SHEIKH
RESIDENT OF VILL- BHINAPARA
P.O. HATSINGIMARI
-783135
DIST. SOUTH SALMARA
ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF HIGHER EDUCATION
DISPUR
P.O. GUWAHATI

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM

DEPARTMENT OF FINANCE
DISPUR
P.O. GUWAHATI-781006

3:THE DIRECTOR OF HIGHER EDUCATION

GOVT. OF ASSAM
KAHILIPARA
P.O. GUWAHATI-19

Advocate for : MR J C GAUR
Advocate for : SC
HIGHER EDU appearing for THE STATE OF ASSAM AND 2 ORS

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

21.08.2026

Heard Mr. J. C. Gaur, learned counsel for the petitioner. Also heard Mr. S. Das, learned Standing Counsel, Higher Education Department and Mr. A. Atreya, learned Standing Counsel, BTC for respondent nos. 5 and6.

2. The learned counsel for the petitioners submits that they were appointed as Lecturers/Assistant Professors and the grievance is that they should be given pension as per the Old Pension Scheme (OPS), in view of the decision taken by the State Government which was chaired by the Chief Minister of the State on 11.01.2025. Referring to the proceedings of the meeting, annexed as Annexure-G, the learned counsel submits that those who have been appointed prior to January 2005 are eligible to get pension as per the OPS. He submits that all the petitioners have been appointed prior to this date and therefore, they are eligible. Since the cases of the petitioners have not been considered, they are before this Court.

3. Mr. J. C. Gaur, learned counsel for the petitioner further submits that the case of the petitioner is squarely covered by the judgment and order dated 06.04.2026 passed by the coordinate Bench of this Court in ***Dr. Jonali Kalita & 10 Ors. Vs. The State of Assam and 6 Ors,***

WP(C) No. 1944/2026, relevant paragraph of the aforesaid judgment reads as

under:-

"(6) *Under the circumstances, this Court is inclined to disposed of this writ petition by directing the petitioners to submit their respective representations before the Director concerned under whose administrative control they are working, within a period of fifteen (15) days from today. Upon submission of the representations, the Director concerned, shall take necessary action to consider the same in accordance with the Government's decision and by taking approval of the Government, where necessary. Upon doing so, the Director shall dispose of the representation by way a reasoned and speaking order within a period of three (3) months from the date of receipt of such representations."*

4. Mr. Mr. S. Das, learned Standing Counsel, Higher Education Department consents to the aforesaid position.

5. Having heard the learned counsel for the parties and having perused the material available on record including the judgment and order dated 06.04.2026, passed by the coordinate Bench of this Court in WP(C) No. 1944/2026, this Court deems appropriate to dispose of this writ petition in line of ***Dr. Jonali Kalita(Supra).*** Accordingly, it is provided that the petitioner shall submit their respective representation before the Director concerned under whose administrative control they are working within period of 15 days from today.

6. Upon submission of the representation, the Director Concerned shall take necessary action to consider the same in accordance with the Government's decision and by taking approval of the Government wherever necessary.

7. Upon doing so, the Director shall dispose of the representation by a reasoned and speaking order within a period of three months from the date of receipt of such representation.

8. With the above observation and direction, the writ petition stand disposed of.

JUDGE

Comparing Assistant