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2026:GAU-AS:15117

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

Case No. : WP(C)/5468/2026

SMT PALLABI KHAKLARI
W/O SHRI BIPLAB KUMAR GOHAIN, R/O SANTIPUR, GOLAGHAT, P.S. GOLAGHAT, P.O. AND DISTRICT GOLAGHAT, ASSAM, PIN 785621,

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM, HIGHER EDUCATION DEPARTMENT, JANATA BHAWAN, DISPUR, GUWAHATI 781006.

2:THE VICE-CHANCELLOR

BIRANGANA SATI SADHINI RAJYIK VISHWAVIDYALAYA
GOLAGHAT ENGINEERING COLLEGE CAMPUS
GOLAGHAT
ASSAM
PIN 785621.

3:THE SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI 781006.

4:THE DIRECTOR OF HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI 781019

5:THE REGISTRAR
BIRANGANA SATI SADHINI RAJYIK VISHWAVIDYALAYA

GOLAGHAT ENGINEERING COLLEGE CAMPUS
GOLAGHAT
ASSAM
PIN 785621.

6:THE DISTRICT COMMISSIONER
GOLAGHAT
P.O. GOLAGHAT
ASSAM
PIN 785621

For the Petitioner(s) : Mr. H. Rohman, Advocate

For the Respondent(s) : Mr. R. Talukdar, Govt. Advocate
Ms. P.R. Mahanta, Standing Counsel
Mr. M. Bhuiyan, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 07.10.2026

Heard Mr. H. Rohman, the learned counsel for the petitioner. Mr. R. Talukdar, the learned Government Advocate appears on behalf of the District Administration; Ms. P.R. Mahanta, the learned Standing Counsel appears on behalf of the Higher Education Department; and Mr. M. Bhuiyan, the learned Standing Counsel appears on behalf of the Finance Department.

2. The present writ petition has been filed by the petitioner seeking a writ in the nature of mandamus upon the Birangana Sati Sadhini Rajyik Vishwavidyalaya on account of non-payment of certain contractual dues.

3. This Court has duly taken note of the judgment of the Supreme Court in the case of ***S. Shobha Vs. Muthoot Finance Limited*** reported in ***(2025) 11 SCC 335*** wherein the Supreme Court observed the circumstances under which a writ would be maintainable. Paragraph No. 9 of the said judgment, being relevant, is reproduced hereinbelow:

"***9.*** *We may sum up thus:*

9.1. *For issuing writ against a legal entity, it would have to be an instrumentality or agency of a State or should have been entrusted with such functions as are Governmental or closely associated therewith by being of public importance or being fundamental to the life of the people and hence Governmental.*

9.2. *A writ petition under Article 226 of the Constitution of India may be maintainable against: (i) the State Government; (ii) Authority; (iii) a statutory body; (iv) an instrumentality or agency of the State; (v) a company which is financed and owned by the State; (vi) a private body run substantially on State funding; (vii) a private body discharging public duty or positive obligation of public nature; and (viii) a person or a body under liability to discharge any function under any statute, to compel it to perform such a statutory function.*

9.3. *Although a non-banking finance company like Muthoot Finance Ltd. with which we are concerned is duty-bound to follow and abide by the guidelines provided by Reserve Bank of India for smooth conduct of its affairs in carrying on its business, yet those are of regulatory measures to keep a check and provide guideline and not a participatory dominance or*

control over the affairs of the company.

9.4. *A private company carrying on banking business as a scheduled bank cannot be termed as a company carrying on any public function or public duty.*

9.5. *Normally, mandamus is issued to a public body or authority to compel it to perform some public duty cast upon it by some statute or statutory rule. In exceptional cases a writ of mandamus or a writ in the nature of mandamus may issue to a private body, but only where a public duty is cast upon such private body by a statute or statutory rule and only to compel such private body to perform its public duty.*

9.6. *Merely because a statute or a rule having the force of a statue requires a company or some other body to do a particular thing, it does not possess the attribute of a statutory body.*

9.7. *If a private body is discharging a public function and the denial of any rights is in connection with the public duty imposed on such body, the public law remedy can be enforced. The duty cast on the public body may be either statutory or otherwise and the source of such power is immaterial but, nevertheless, there must be the public law element in such action.*

9.8. *According to Halsbury's Laws of England, 3rd Edn., Vol. 30, p. 682,*

> "*a public authority is a body not necessarily a county council, municipal corporation or other local authority which has public statutory duties to perform, and which perform the duties and carries out its transactions for the benefit of the public and not for private profit.*"

There cannot be any general definition of public authority or public action. The facts of each case decide the point."

4. In the backdrop of the above, if this Court duly takes note of the pleadings as well as the materials on record, it would show that it is a case of a contractual dispute between the petitioner and the Birangana Sati Sadhini Rajyik Vishwavidyalaya and there is no element of public duty or public function emanating from the contents of the writ petition as well as the enclosures.

5. Considering the above, it is the opinion of this Court that the instant writ petition is not maintainable, for which the writ petition stands dismissed.

6. Before parting with the record, this Court, however, observes that the dismissal of the instant writ petition shall not come in the way of the petitioner approaching the appropriate forum for redressal of her grievances arising out of the breach of contractual obligations.

JUDGE

Comparing Assistant