

GAHC010023142025



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

Case No. : WP(C)/691/2025

KOBITA KAMAN
DAUGHTER OF SRI PRADIP KAMAN,
RESIDENT OF SOKIAL CHUK,
WARD NO 3 ,PO DERGAON , GOLAGHAT, ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY ITS SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF HOME AFFAIRS, ASSAM SECRETARIAT, DISPUR,
GUWAHATI- 781006.

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI-781007.

3:THE INSPECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI-781001.

4:THE DEPUTY INSPECTOR GENERAL OF POLICE
ASSAM
TRAINING
ULUBARI
GUWAHATI- 781007.

5:THE ASSISTANT INSPECTOR GENERAL OF POLICE(A)
ASSAM
ULUBARI
GUWAHATI 781007.

6:THE COMMANDANT
6TH ASSAM COMMANDO BATTALION
AMBIKAPUR
SADIYA
CAMP. AT 2ND A.P. MAKUM
TINSUKIA
ASSAM
PIN- 789170

Advocate for the Petitioner : MR. B K DAS, I J SINGPHO,MR H P GUWALA,H P NEOG

Advocate for the Respondent : GA, ASSAM,

B E F O R E
HON'BLE MR. JUSTICE NELSON SAILO

12.02.2025

Heard Mr. B K Das, learned counsel for the petitioner who submits that by filing this writ petition, the petitioner has challenged the Order dated 10.12.2024 (Annexure-11) on the ground that the Commandant, 6th Assam Commando Battalion, who issued the order is only the disciplinary authority but not the appointing authority. Referring to Clause 12A(i) of the Assam Police Manual, the learned counsel submits that the appointing authority to the post of Armed Branch Sub-Inspector (Female) is the Dy. Inspector General of Police and therefore, the impugned order cannot be sustained and should be set aside. The learned counsel submits that besides this ground, the other ground of challenge to the impugned order is that the enquiry report made against the petitioner

was not furnished to her.

In view of above, issue notice of motion returnable by 4 (four) weeks. Mr. M Bhattacharjee, learned Addl. Senior Govt. Advocate accepts notice on behalf of all the respondents. Petitioner to serve requisite extra copies of the writ petition to the learned State counsel within 2 days. On the next returnable date, the learned State counsel shall obtain instructions as to who is the competent authority to impose the major punishment of dismissal from service upon an employee in the rank of Armed Branch Sub-Inspector, such as the petitioner. It is further observed that this writ petition shall not be a bar for the respondents to dispose of the appeal filed by the petitioner. Also issue on the interim prayer made by the petitioner, returnable by 4 weeks.

List the matter again after 4 (four) weeks.

JUDGE

Comparing Assistant