

GAHC010026592026



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

**Case No. : WP(C)/751/2026**

SRI BISWAJIT GOSWAMI  
S/O- LATE KRISHNA GOSWAMI.  
R/O- SANGRAM NILOY, 2ND FLOOR, BARAPARA, P.S. AND DIST.-  
BONGAIGAON, ASSAM, PIN - 783380

VERSUS

THE STATE OF ASSAM AND ORS  
REPORESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF  
ASSAM, DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
ASSAM  
PERSONAL(A) DEPARTMENT  
GUWAHATI-781006  
KAMRUP(M)  
ASSAM

3:THE SECRETARY  
PERSONAL(A) DEPARTMENT  
GOVERNMENT OF ASSAM  
DISPUR  
GUWEAHATI-6.

4:THE COMMISSIONER AND SECRETARY  
TOURISM  
HOME AND POLITICAL DEPARTMENT  
GOVT. OF ASSAM  
DISPUR  
GUWAHATI-6

**Advocate for the Petitioner** : MR H K DAS, MS. B SAIKIA,MS D MAHANTA,MR N K SARMA

**Advocate for the Respondent : GA, ASSAM,**

**BEFORE  
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**11.02.2026**

Heard Mr. H.K. Das, learned counsel for the petitioner. Also heard Ms. S. Baruah, learned Government Advocate for the State respondents.

**2.** The petitioner is aggrieved by the impugned order dated 05.12.2025, whereby the disciplinary authority has decided to proceed with the departmental proceedings drawn against him as according to the disciplinary authority inspite of opportunities being granted written statement of defence was not filed.

**3.** The learned counsel for the petitioner submits that earlier this Court has passed an order dated 05.02.2024 passed in WP(C) No.321 of 2024, whereby the following interim order dated granted.

*“Taking note of the submissions made by the learned counsel for both the sides and as agreed to by them, this writ petition is being disposed of at the stage of motion hearing by providing that filing of written statement and further proceeding in the departmental proceeding initiated against the petitioner shall remain suspended till the stage of framing charges in connection with the criminal proceeding, viz. ACB P.S. Case No. 53/2023. Thereafter, it will be open for the authorities to proceed with the departmental proceeding in accordance with law.”*

**4** The learned counsel for the petitioner therefore, submits that the protection granted to the petitioner was till the framing of the charges and it appears that the department is proceeding against the petitioner in the departmental proceeding on their understanding that the interim order granted earlier by the Court is no longer subsisting as the investigating authority has filed their charge sheet. He however, submits that the charges are yet to be framed by the competent authority of criminal jurisdiction. Under such circumstances he has approached this Court and prays for suspension of the departmental proceedings sought to be initiated against him by the order dated 05.12.2025.

**5.** Ms. S. Baruah, learned Government Advocate for the State respondents submits that Mr. D. Nath, learned Senior Counsel will address the Court on this matter. She therefore, prays to list this matter on 12.02.2026.

**6.** As agreed to list this matter on 12.02.2026.

**JUDGE**

**Comparing Assistant**