

GAHC010049042026



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

Case No. : WP(C)/1502/2026

NIRANJAN DAS
SON OF LATE SONADHAR DAS, RESIDENT OF SUBHASINI ROAD NEAR
PINE WOOD HOSPITAL IN THE DISTRICT OF TINSUKIA, ASSAM. PIN-
786126.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER OF EXCISE, ASSAM, HOUSEFED
COMPLEX, DISPUR, GUWAHATI-781006.

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
EXCISE DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE UNDER SECRETARY TO THE GOVERNMENT OF ASSAM

EXCISE DEPARTMENT
DISPUR
GUWAHATI-781006.

4:SRI JANARDAN GOSWAMI
INSPECTOR OF EXCISE
LAKHIMPUR SADAR CIRCLE
LAKHIMPUR

Advocate for the Petitioner : MR. K N CHOUDHURY, MR. D J DAS,MR. TANUZ
KASHYAP,MR. R M DEKA,N GAUTAM

Advocate for the Respondent : SC, EXCISE DEPTT.,

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

13.03.2026

Heard Mr. K.N. Choudhury, learned senior counsel assisted by Mr. R.M. Deka, learned counsel for the petitioner.

The petitioner before the Court has challenged the transfer orders dated 06.03.2026 and 09.03.2026. By the order dated 06.03.2026, the petitioner was sought to be replaced by the private respondent; however, no place of posting was indicated for the petitioner in that order. Subsequently, by the order dated 09.03.2026, the petitioner was shown to have been posted to Gossaigaon.

The learned Senior Counsel for the petitioner submits that this is a case of frequent transfer in a span of five years, the petitioner has been transferred six times in the State, The learned Senior Counsel further submits that even if the impugned transfer and posting are purported to have been made on the eve of elections or in terms of the guidelines/notification issued by the Election Commission of India, the same is bad in law, as Tinsukia is not the home district of the writ petitioner and the petitioner has not completed three years at his last place of posting. Under such circumstances, the present writ petition has been filed. The learned Senior counsel has placed reliance on the Judgment of a Coordinate Bench passed in W.P(C) No. 3050/2024 (Sushaanta Debnath Vs. State of Assam and Ors).

Mr. D Gogoi, learned Standing Counsel, Excise on the other hand submits that these are routine transfers on administrative exigencies, no malafide has been alleged. Therefore, the challenge made to the writ petitioner ought not to be entertained. He further submits that the private respondent has in the

meantime already joined in the new place of posting which was the earlier place of posting of the writ petitioner. He presses into service the Judgment rendered in S.C. Saxena v. Union of India & Others, reported in (2006) 9 SCC 583 and The State of Assam and Ors. Vs. Dilip Kumar Sarma and Ors, reported in MANU/GH/0471/2011

Considering the submissions made, this Court is of the considered view that relevant records pertaining to the transfer be called for perusal of the Court.

List again on 18.03.2026.

Till then, no coercive action be taken in respect of the writ petitioner in view of the transfer order dated 06.03.2026 read with 09.03.2026.

The additional affidavit filed by the writ petitioner be connected to the case record.

JUDGE

Comparing Assistant