

GAHC010050692025



2026:GAU-AS:4804

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

Case No. : WP(C)/1380/2025

AOICHAJYA JIBON BARUAH
S/O APURBA JIBON BARUAH, R/O-HOUSE NO-13, ABC, TARUN NAGAR,
OPP- SWADESHI ACADEMY, GUWAHATI, P.O- DISPUR, DISTRICT-
KAMRUP(M), ASSAM-781005

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM, HOME AND POLITICAL DEPARTMENT, DISPUR,
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI
781006

3:THE SECRETARY
TO GOVERNMENT OF ASSAM
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-78100

Advocate for the Petitioner : MS. B CHOWDHURY, MR A CHOWDHURY,IMSENKALA,MR S
DUTTA

Advocate for the Respondent : GA, ASSAM,

Linked Case : I.A.(Civil)/1564/2025

PRIYANKA DEKA
W/O BIKASH TALUKDAR
RESIDENT OF BARKURIHA VILLAGE NEAR GOPINATH MANDIR
MOROWA KAMALPUR ROAD
PO NALBARI
PS AND DIST NALBARI
ASSAM 781348

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF
ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR GUWAHATI 781006

2:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR GUWAHATI 06

3:THE SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI 781006

4:THE ADDITIONAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR GUWAHATI 781006

Advocate for : MR A CHOWDHURY
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : I.A.(Civil)/954/2025

THE STATE OF ASSAM
THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM
PERSONNEL-A DEPARTMENT
BLOCK-A JANATA BHAWAN

DISPUR-6

2: THE ADDITIONAL CHIEF SECRETARY
TO THE GOVT.OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR-6

3: THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
PERSONNEL-A DEPARTMENT
BLOCK-A
JANATA BHAWAN
DISPUR-6

4: THE SECRETARY
TO THE GOVERNMENT OF ASSAM
PERSONNEL-A DEPARTMENT
BLOCK-A
JANATA BHAWAN
DISPUR-6
VERSUS

DHRUBAJYOTI HATIBARUAH
s/o ARUN HATIBARUAH

RESIDENT OF VILL- SEUJI PATHAR
P.O.-MACHKHOWA
P.S- DHEMAJI
DIST DHEMAJI ASSAM 787058

Advocate for : MR. C K S BARUAH
Advocate for : MR. B CHOWDHURY appearing for DHRUBAJYOTI
HATIBARUAH

Linked Case : WP(C)/6439/2024

WAHIDA BEGUM
D/O- IBRAHIM ALI

R/O- ECSTACY APARTMENT
FLAT NO-5
C-2
LAKHIMI NAGAR
HATIGAON

P.S- DISPUR
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
DEPARTMENT FINANCE
DISPUR
GUWAHATI- 06.

2:THE SECRETARY
TO THE GOVT. OF ASSAM
DEPARTMENT OF FINANCE (TAXATION)
DISPUR
GUWAHATI- 06.

3:THE ADDITIONAL SECRETARY
TO THE GOVT. OF ASSAM
DEPARTMENT OF FINANCE (TAXATION)
DISPUR
GUWAHATI- 06

4:THE COMMISSIONER OF TAXES
GOVT. OF ASSAM

KAR BHAWAN
GANESHGURI
DISPUR
GUWAHATI- 06

Advocate for : MR N K SARMA
Advocate for : SC
FINANCE AND TAXATION appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : I.A.(Civil)/945/2025

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF
ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI- 781006

2: THE SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI- 781006

3: THE JOINT SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI- 781006
VERSUS

NANDINI KAKATI
D/O LATE RIPUNJOY KAKATI
R/O 2G
GHAR ENCLAVE
JAYANAGAR
GUWAHATI 22

Advocate for : JR. GA
ASSAM

Advocate for : MR. K N CHOUDHURY appearing for NANDINI KAKATI

Linked Case : WP(C)/5971/2024

SAURAV PRAN SHARMA
S/O SURESH CH. SHARMA
RESIDENT OF BARPETA ROAD
WARD NO. 2
RAMAKRISHNA CENTRE ROAD
PO BARPETA ROAD
PS AND DIST BARPETA
ASSAM 781315

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
EXCISE DEPARTMENT
DISPUR GUWAHATI 781006

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

EXCISE DEPARTMENT
DISPUR GUWAHATI 781006

3:THE SECRETARY
TO THE GOVT. OF ASSAM
EXCISE DEPARTMENT
DISPUR GUWAHATI 781006

4:THE SECRETARY
TO THE GOVT. OF ASSAM
PERSONNEL DEPARTMENT
DISPUR GUWAHATI 781006

5:THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
EXCISE DEPARTMENT
DISPUR GUWAHATI 781006

6:THE INQUIRY OFFICER

ASSAM SECRETARIAT (CIVIL) DISPUR GUWAHATI 781006

Advocate for : MR. N K KALITA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 5 ORS

Linked Case : WP(C)/537/2025

HITESH MAZUMDAR
S/O- LATE ANANGA MOHAN MAZUMDAR
R/O- C/O BHAGABAN CH. DAS
NO.2 MATHGHARIA
MOTHER TERESA ROAD
NEAR SAI APARTMENT
P.O- NOONMATI
P.S- NOONMATI
ASSAM
781020

VERSUS

THE STATE OF ASSAM AND THREE ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT

DISPUR
GUWAHATI-781006.

2:THE PRINCIPAL SECRETARY
TO GOVERNMENT OF ASSAM
PERSONNEL (A)
DEPARTMENT
BLOCK-A JANATABHAWAN
DISPUR
GUWAHATI- 781006

3:THE COMMISSIONER AND SECRETARY
TO GOVERNMENT OF ASSAM
PERSONNEL (A)
DEPARTMENT
BLOCK-A JANATABHAWAN
DISPUR
GUWAHATI
781006

4:THE SECRETARY TO GOVERNMENT OF ASSAM
PERSONNEL (A)
DEPARTMENT
DISPUR
GUWAHATI
781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND THREE ORS

Linked Case : WP(C)/572/2025

BIKASH SARMA
S/O- SRI NARAYAN CHANDRA SARMA
R/O- VILL BAMUNDI
P.O- BAMUNDI
P.S.- SUALKUCHI
DIST.- KAMRUP
ASSAM-781103

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM

HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE ADDITIONAL CHIEF SECRETARY
GOVT. OF ASSAM
CO-OPERATION DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-781006

3:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
CO-OPERATION DEPARTMENT
ASSAM SECRETARIAT (CIVIL) DISPUR
GUWAHATI-781006

4:THE SECRETARY
TO THE GOVT OF ASSAM
COOPERATION DEPARTMENT
BLOCK-C 4TH FLOOR
JANATA BHAWAN
DISPUR GUWAHATI-781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : I.A.(Civil)/1321/2025

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY GOVERNMENT OF
ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006.

2: THE SECRETARY TO THE GOVT. OF ASSAM
HOME (A) DEPARTMENT
DISPUR
GUWAHATI-781006.

3: THE JOINT SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006.

4: THE DIRECTOR GENERAL OF POLICE
ULUBARI
GUWAHATI-781007.

5: THE INSPECTOR GENERAL OF POLICE (T AND AP)

ASSAM-CUM-INQUIRY OFFICER
ASSAM
GHY-781007.
VERSUS

RITURAJ DOLEY
S/O- RANJIT KUMAR DOLEY
R/O- HOUSE NO. 9
CHACHAL
SIXMILE
P.S. DISPUR
DIST. KAMRUP(M)
ASSAM
PIN- 781022.

Advocate for : JR. GA
ASSAM
Advocate for : MR. A K BARUAH appearing for RITURAJ DOLEY

Linked Case : I.A.(Civil)/1165/2025

THE STATE OF ASSAM AND ORS
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2: THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

3: THE SECRETARY TO GOVT OF ASSAM
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR

GUWAHATI-781006
VERSUS

NILANJAL GOGOI
S/O LATE GANGA DHAR GOGOI
RESIDENT OF FLAT NO. 2H
CENTURY APARTMENT
GANESHGURI
G S ROAD
NEAR KAR BHAVAN
ASSAM SACHIVALAYA
DISPUR KAMRUP METRO 781006

Advocate for : JR. GA
ASSAM
Advocate for : IMSENKALA appearing for NILANJAL GOGOI

Linked Case : WP(C)/1391/2025

RAKESH DAS
S/O BHAGABAN DAS
R/O H.NO- 45
6TH MILE
SASAL MANIMUGDHA NAGAR
P.O-KHANAPARA
P.S-DISPUR
DISTRICT-KAMRUP (M)
ASSAM-781022

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
. DISPUR
GUWAHATI 781006

2:THE ADDITIONAL CHIEF SECRETARY
TO THE GOVERNMENT OF ASSAM
SKILL
EMPLOYMENT ENTERPRENEURSHIP DEPARTMENT
DISPUR

GUWAHATI-781006.

3:THE SECRETARY
TO GOVERNMENT OF ASSAM
THE SKILL
EMPLOYMENT ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI-781006

4:THE ADDITIONAL SECRETARY
TO THE GOVERNMENT OF ASSAM
SKILL
EMPLOYMENT ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI-781006

Advocate for : MS. B CHOWDHURY
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM

Linked Case : I.A.(Civil)/982/2025

THE STATE OF ASSAM
REPRESENTED BY THE ADDL.CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR-6

2: THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME(A) AND POLITICAL DEPARTMENT
DISPUR-6

3: THE SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME(A) AND POLITICAL DEPARTMENT
DISPUR-6
VERSUS

KALYAN KUMAR DAS
S/O BINANDI DAS R/O- GAROBASTI BEHIND GANESH MANDIR
8TH MILE
P.O- AMERIGOG
PS.-BASISTHA
DISTRICT-KAMRUP (M)

Advocate for : MR. A CHAKRABARTY
Advocate for : MR. B CHOWDHURY appearing for KALYAN KUMAR DAS

Linked Case : WP(C)/5249/2024

RUMIR TIMUNGPI
D/O- MONGAL SING TIMUNG
R/O- WARD NO. 6
HOUSE NO. 149
P.O. DIPHU
DIST. KARBI ANGLONG
ASSAM
PIN- 782460.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006
ASSAM

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT
JANATA BHAWAN
DISPUR
GHY-781006
ASSAM

3:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-781007
ASSAM

4:THE DIRECTOR GENERAL OF POLICE

ULUBARI
GUWAHATI-781007
ASSAM

5:THE INSPECTOR GENERAL OF POLICE (T AND AP

ASSAM -CUM- INQUIRING OFFICER

ULUBARI

GHY-781007

ASSAM

Advocate for : MR. B GOGOI

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 4 ORS

Linked Case : I.A.(Civil)/1319/2025

THE STATE OF ASSAM AND 2 ORS

REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM

HOME AND POLITICAL DEPARTMENT

DISPUR

GUWAHATI-781006

2: THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM

HOME (A) AND POLITICAL DEPARTMENT

DISPUR

GUWAHATI-781006

3: THE SECRETARY TO GOVERNMENT OF ASSAM
TO THE GOVERNMENT OF ASSAM

HOME (A) AND POLITICAL DEPARTMENT

DISPUR

GUWAHATI

781006

VERSUS

NANDINI KAKATI

D/O- RIPUNJAY KAKATI

R/O- FLAT NO 27

BLOCK D

SASHIKUNJ APARTMENT

SURVEY

BELTOLA ROAD

P.S- HATIGAON

DISTRICT- KAMRUP (M)

ASSAM- 781038

Advocate for : JR. GA
ASSAM
Advocate for : IMSENKALA appearing for NANDINI KAKATI

Linked Case : WP(C)/6191/2024

JAYANTA DOLEY
S/O LOLSING DOLEY
R/O HOUSE NO. 115
SUSHILA PATH
KAINADHARA
UDAYNAGAR
KHANAPARA
GUWAHATI-781022

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE SECRETARY TO GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006

4:THE ADDITIONAL SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR
GUWAHATI-781006

Advocate for : MR A CHOWDHURY
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : I.A.(Civil)/1152/2025

THE STATE OF ASSAM AND TWO ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DIPUR-6

2: THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI
781006

3: THE SECRETARY TO GOVERNMENT OF ASSAM
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI
781006
VERSUS

MD FARUK AHMED
S/O- LATE MAFIJUDDIN AHMED
R/O- SHOTKHIL VILIAGE
P.O- MORANJANA
PS- RANGIA
DISTRICT- KAMRUP
ASSAM
781354

Advocate for : JR. GA
ASSAM
Advocate for : IMSENKALA appearing for MD FARUK AHMED

Linked Case : I.A.(Civil)/1013/2025

THE STATE OF ASSAM
REPRESENT BY THE ADDITIONAL CHIEF SECRETARY GOVT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR 6

2: THE PRINCIPAL SECRETARY
GOVT OF ASSAM
PERSONNEL A DEPARTMENT
BLOCK A
JANATA BHAWAN
DISPUR
GUWAHATI 781006

3: THE COMMISSIONER AND SECRETARY
GOVT OF ASSAM PERSONNEL A
DEPARTMENT
BLOCK A
JANATA BHAWAN
DISPUR 781006

4: THE SECRETARY
GOVT OF ASSAM
PERSONNEL A DEPARTMENT
BLOCK A
JANATA BHAWAN
DISPUR 6
VERSUS

AKASHEE DUWARAH
D/O HIRANYA KUMAR DUWARAHO HOUSE NO 141
WARD NO 12
KB ROAD
PO NORTH LAKHIMPUR
PS NORTH LAKHIMPUR
DIST LAKHIMPUR
ASSAM 787001

Advocate for : MS. A TALUKDAR
Advocate for : MS. B CHOWDHURY appearing for AKASHEE DUWARAH

Linked Case : WP(C)/4668/2024

SUKANYA DAS
W/O MR. KRISHNA BORDEURI

R/O BYLANE NO. 03
GORCHUK
CHARIALI

DIST. KAMRUP (M)
ASSAM
PIN-781035

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM

HOME (A) DEPARTMENT
PIN-781006

2:THE DIRECTOR GENERAL OF POLICE

ASSAM
ULUBARI
DIST. KAMRUP (M)
ASSAM
PIN-781007

3:ASSISTANT INSPECTOR GENERAL OF POLICE (WELFARE)

ULUBARI
DIST. KAMRUP (M)
ASSAM
PIN-781007

Advocate for : MR. M K CHOUDHURY
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : WP(C)/540/2025

DHRUBAJYOTI HATIBARUAH
S/O ARUN HATIBARUAH
RESIDENT OF VILLAGE SEUJIA PATHAR
MACHKHOWA
DHEMAJI
ASSAM
787058

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI 781006

2:THE PRINCIPAL SECRETARY
TO GOVERNMENT OF ASSAM
PERSONNEL A
DEPARTMENT
BLOCK A JANATA BHAWAN
DISPUR
GUWAHATI

3:THE COMMISSIONER AND SECRETARY
TO GOVERNMENT OF ASSAM
PERSONNEL A
DEPARTMENT
BLOCK A
JANATA BHAWAN
DISPUR
GUWAHATI

4:THE SECRETARY TO GOVERNMENT OF ASSAM
PERSONNEL A
DEPARTMENT
DISPUR
GUWAHATI

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : WP(C)/562/2025

PUSHKAL GOGOI
S/O LATE PRADIP GOGOI

RESIDENT OF NO. 2
MIRIHULA VILLAGE
PO MORANHAT
PS MORANHAT
DIST DIBRUGARH
ASSAM 785670

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE SECRETARY TO GOVT OF ASSAM
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

Advocate for : IMSENKALA

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : WP(C)/538/2025

DIPANKAR DUTTA LAHKAR
HOUSE NO 6
LAKSHMIPATH
RUPNAGAR
GUWAHATI
INDRAPUR
BHANGAGARH
KAMRUP METRO
ASSAM

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME A AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

3:THE SECRETARY TO GOVERNMENT OF ASSAM
TO THE GOVERNMENT OF ASSAM
HOME A AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : I.A.(Civil)/631/2025

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
DEPARTMENT FINANCE
DISPUR
GUWAHATI- 06

2: THE SECRETARY
TO THE GOVT. OF ASSAM DEPARTMENT OF FINANCE (TAXATION) DISPUR
GUWAHATI- 06

3: THE ADDITIONAL SECRETARY
TO THE GOVT. OF ASSAM DEPARTMENT OF FINANCE (TAXATION) DISPUR
GUWAHATI- 06

4: THE COMMISSIONER OF TAXES GOVT OF ASSAM
KAR BHAWAN GANESHGURI DISPUR GUWAHATI
VERSUS

WAHIDA BEGUM
DO IBRAHIM ALI
RO ECSTACY APARTMENT
FLAT NO 5
C 2
LAKHIMI NAGAR
HATIGAON
P.S DISPUR

ASSAM

Advocate for : DIPANKAR NATH

Advocate for : MR H K DAS appearing for WAHIDA BEGUM

Linked Case : WP(C)/536/2025

KULA PRADIP BHATTACHARYYA
S/O-HEMANTA BHATTACHARYYA
R/O. HOUSE NO SEVEN
UDYAN PATH
TRIPURA ROAD BELTOLA
GUWAHATI
DISTRICT-KAMRUP(M)
ASSAM-781028 KAMRUP (METRO)
ASSAM

VERSUS

THE STATE OF ASSAM AND TWO ORS
REPRESENTED BY THE ADDMONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POUTICAL DEPARTMENT
DISPUR GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT DISPUR
GUWAHATI- 781006.

3:THE SECRETARY TO GOVERNMENT OF ASSAM
TO THE GOVERNMENT OF ASSAM
HOME (A) POLITICAL DEPARTMENT
DISPUR GUWAHATI

Advocate for : IMSENKALA

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND TWO ORS

Linked Case : I.A.(Civil)/1164/2025

THE STATE OF ASSAM AND TWO ORS
REPRESENTED BY THE ADDMONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POUTICAL DEPARTMENT
DISPUR GUWAHATI-781006

2: THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT DISPUR
GUWAHATI- 781006.

3: THE SECRETARY TO GOVERNMENT OF ASSAM
TO THE GOVERNMENT OF ASSAM
HOME (A) POLITICAL DEPARTMENT
DISPUR GUWAHATI
VERSUS

KULA PRADIP BHATTACHARYYA
S/O-HEMANTA BHATTACHARYYA
R/O. HOUSE NO SEVEN
UDYAN PATH
TRIPURA ROAD BELTOLA
GUWAHATI
DISTRICT-KAMRUP(M)
ASSAM-781028 KAMRUP (METRO)
ASSAM

Advocate for : JR. GA
ASSAM
Advocate for : IMSENKALA appearing for KULA PRADIP BHATTACHARYYA

Linked Case : I.A.(Civil)/922/2025

THE STATE OF ASSAM
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT OF
ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR 6

2: THE SECRETARY
TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR 6

3: THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR 6
VERSUS

AIOCHARJYA JIBON BARUAH
RO HOUSE NO 13
ABC
TARUN NAGAR
OPP. SWADESHI ACADEMY
GUWAHATI 781005

Advocate for : ANANYA TALUKDAR
Advocate for : appearing for AIOCHARJYA JIBON BARUAH

Linked Case : I.A.(Civil)/929/2025

THE STATE OF ASSAM
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF
ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR 6

2: THE SECREATARY
TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR 6

3: THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR 6
VERSUS

RUMIR TIMUNGPI
S/O MONGAL SING TIMUNG
RESIDENT OF WARD NO 6
HOUSE NO. 149
P.O. DIPHU
DIST. KARBI ANGLONG
ASSAM
PIN 782460

Advocate for :
Advocate for : MR B GOGOI appearing for RUMIR TIMUNGPI

Linked Case : WP(C)/5754/2024

NITU MANI DAS
S/O- SRI RAMANI MOHAN DAS
R/O- FATASHIL AMBARI
A.K. DEV ROAD
NEAR TULA FACTORY
GUWAHATI- 781025

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

2:THE SECRETARY TO GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

3:THE JOINT SECRETARY TO GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

Advocate for : MR. K N CHOUDHURY
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : I.A.(Civil)/1107/2025

THE STATE OF ASSAM AND ORS

REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM HOME AND POLITICAL DEPARTMENT DISPUR GUWAHATI

2: THE ADDITIONAL CHIEF SECRETARY
GOVERNMENT OF ASSAM
CO OPERATION DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI

3: THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
COOPERATION DEPARTMENT
ASSAM SCREATRAIAT CIVIL
DISPUR
GUWAHATI

4: THE SECRETARY
TO THE GOVERNMENT OF ASSAM
COOPERATION DEPARTMENT
BLOCK C 4TH FLOOR
JANATA BHAWAN
DISPUR
GUWAHATI
VERSUS

CHAKRADHAR DEKA
S/O LATE BRAJANTH DEKA
RESIDENT OF BANGAON
PO BANGAON
PS PATHSALA
DIST BAJALI
ASSAM 781375

Advocate for : JR. GA
ASSAM

Advocate for : IMSENKALA appearing for CHAKRADHAR DEKA

Linked Case : WP(C)/3705/2024

AOICHAJYA JIBON BARUAH
S/O-APURBA JIBON NARUAH
R/O- HOUSE NO. 13
ABC

TARUN NAGAR
OPP. SWADESHI ACADEMY
GUWAHATI-781005.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY GOVERNMENT OF
ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GHY-6.

2:THE SECRETARY TO GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6.

3:THE JOINT SECRETARY TO GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6.

Advocate for : MR. K N CHOUDHURY
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : WP(C)/532/2025

NANDINI KAKATI
D/O- RIPUNJAY KAKATI
R/O- FLAT NO 27
BLOCK D
SASHIKUNJ APARTMENT
SURVEY
BELTOLA ROAD
P.S- HATIGAON
DISTRICT- KAMRUP (M)
ASSAM- 781038

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE SECRETARY TO GOVERNMENT OF ASSAM
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI
781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : WP(C)/5594/2024

ASEEMA KALITA
D/O- MADAN KALITA

R/O- H.NO-3

PRABHAT BARMAN PATH

JATIA
KAHILIPARA

P.O- ASSAM
SACHIBALAYA
DISPUR
KAMRUP (M)
ASSAM
PIN-781006

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-6.

2:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT

DISPUR
GHY-06

3:THE JOINT SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT
DISPUR
GHY-06

Advocate for : MR A ATREYA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : WP(C)/3698/2024

SAJAHAN SARKAR
S/O- LATE GOLAM SARWAR SARKAR
R/O- HOUSE NO.3
BYE LANE NO.-2
KAILASH NAGAR
BHETAPARA ROAD
HATIGAON
GUWAHATI- 781038

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

2:THE SECRETARY TO GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

3:THE JOINT SECRETARY TO GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

Advocate for : MR. K N CHOUDHURY
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : I.A.(Civil)/1516/2025

THE STATE OF ASSAM
REPRESENTED BY THE PRINCIPAL SECRETARY GOVT OF ASSAM
PERSONNEL DEPT
DISPUR
GHY 06

2: THE SECRETARY
TO THE GOVT OF ASSAM PERSONNEL DEPT
DISPUR
GHY 06

3: THE DEPUTY SECRETARY
TO THE GOVT OF ASSAM PERSONNEL DEPT
DISPUR
GHY 06
VERSUS

DR HITESH MAJUMDAR
S/O SRI BHAGABAN CH DAS
RESIDENT OF HOUSE NO 2
MATHGHARIA
MOTHER TERESSA ROAD
NOONMATI
GUWAHATI 781020

Advocate for : JR. GA

ASSAM
Advocate for : MR. J PATOWARY appearing for DR HITESH MAJUMDAR

Linked Case : I.A.(Civil)/948/2025

THE STATE OF ASSAM AND 2 ORS.
THROUGH THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM
SKILL
EMPLOYMENT AND ENTREPRENEURSHIP DEPARTMENT
BLOCK- D
1ST FLOOR
JANATA BHAWAN
DISPUR
GUWAHATI- 781006

2: THE DIRECTOR
DIRECTORATE OF EMPLOYMENT AND CRAFTSMEN TRAINING
ASSAM
REHABARI
GUWAHATI- 781008

3: THE SECRETARY TO THE GOVERNMENT OF ASSAM
SKILL EMPLOYMENT AND ENTREPRENEURSHIP DEPTT.
BLOCK- D
1ST FLOOR
JANATA BHAWAN
DISPUR
GUWAHATI- 781006
VERSUS

GITTARTHA BARUAH
SON OF LATE HEM BARUAH RESIDENT OF BAKUL PATH
GAJAPATI VILA
NEAR NH-37 POLICE STATION- JALUKBARI
DISTRICT- KAMRUP (METRO)
ASSAM
PIN- 781013

Advocate for : JR. GA
ASSAM
Advocate for : MR. T DEURI appearing for GITTARTHA BARUAH

Linked Case : I.A.(Civil)/1153/2025

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI 781006

2: THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME A AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

3: THE SECRETARY TO THE GOVERNMENT OF ASSAM
ASSAM
HOME A AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI
VERSUS

NITU MANI DAS
S/O RAMANI MOHAN DAS RESIENT OF FATASHIL AMBARI
AK DEV ROAD
NEAR TULA FACTORY
BYLANE SEWALI PATH
H NO 9
FATASHIL AMBARI
KAMRUP
ASSAM 781025

Advocate for : JR. GA
ASSAM
Advocate for : IMSENKALA appearing for NITU MANI DAS

Linked Case : I.A.(Civil)/1147/2025

THE STATE OF ASSAM
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT.OF
ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR-6

2: THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

3: THE SECRETARY TO GOVT OF ASSAM
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006
VERSUS

ANAL JYOTI DAS
S/O- BINAY KUMAR DAS
VILL SANTINAGAR
P.O.- BALADMARI
P.S.- GOALPARA
DIST- GOALPARA
ASSAM-783121

Advocate for : JR. GA
ASSAM
Advocate for : IMSENKALA appearing for ANAL JYOTI DAS

Linked Case : I.A.(Civil)/1695/2025

THE STATE OF ASSAM AND 2 ORS
THE ADDITIONAL CHIEF SECRETARY TO THE GOVT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR 06

2: THE SECRETARY TO GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

3: THE JOINT SECRETARY TO GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

VERSUS

DIPANKAR DATTA LAHKAR
S/O- SRI JAJNYA DUTTA LAHKAR
R/O- HOUSE NO.-6
LAKSHMINAGAR
RUPNAGAR
GUWAHATI- 32

Advocate for : JR. AG

ASSAM

Advocate for : MR. K N CHOUDHURY appearing for DIPANKAR DATTA LAHKAR

Linked Case : WP(C)/1382/2025

SAJAHAN SARKAR
S/O GOLAM SARWAR SARKAR
R/O-HOUSE NO.3
BYE LANE-2
KAILASH NAGAR
BHETAPARA
HATIGAON
P.O HATIGAON
DISTRICT- KAMRUP(M)
ASSAM-781038

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHTI-781006

3:THE SECRETARY TO GOVERNMENT OF ASSAM
TO THE GOVERNMENT OF ASSAM

HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

Advocate for : MS. B CHOWDHURY
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM

Linked Case : I.A.(Civil)/1565/2025

JAYANTA DOLEY
S/O LOLSING DOLEY
R/O HOUSE NO. 115
SUSHILA PATH
KAINADHARA
UDAYNAGAR
KHANAPARA
GUWAHATI-781022

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR GUWAHATI 06

3:THE SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI 781006

4:THE ADDITIONAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR GUWAHATI 781006

Advocate for : MR A CHOWDHURY
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/561/2025

SAURAV PRAN SHARMA
S/O- SURESH CH SHARMA
R/O- BARPETA ROAD
RAMKRISHNA CENTRE ROAD
P.S.- BARPETA ROAD
DIST.- BARPETA
ASSAM-781315

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY 6THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

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

2:THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
EXCISE DEPARTMENT
DISPUR GUWAHATI 781006

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

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : I.A.(Civil)/1163/2025

THE STATE OF ASSAM AND 4 ORS

REP. BY THE ADDL. CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
DISPUR
GHY-06

2: THE SECRETARY
TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR-6

3: THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR-6

4: THE INSPECTOR GENERAL OF POLICE(MPC) CUM INQUIRY OFFICER
ASSAM POLICE HEADQUARTERS
ULUBARI-781007

5: THE ASSISTANT INSPECTOR GENERAL OF POLICE (WELFARE)
ULUBARI
GUWAHATI
VERSUS

NILANJAL GOGOI
S/O- LATE GANGADHAR GOGOI
FLAT NO-2H
CENTURY APARTMENT
G.S ROAD
DISPUR
GUWAHATI
KAMRUP (M)
ASSAM

Advocate for : JR. GA
ASSAM
Advocate for : MR. A GOYAL appearing for NILANJAL GOGOI

Linked Case : WP(C)/5381/2024

PUSHKAL GOGOI
S/O- LATE PRADIP GOGOI

R/O- 2 NO MIRIHULA VILLAGE
MORANHAT

DIBRUGARH
ASSAM
PIN-785670

VERSUS

THE STATE OF ASSAM AND 3 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
DEPARTMENT OF HOME AND POLITICAL
ASSAM SECRETARIAT
DISPUR
GUWAHATI- 781006
ASSAM

2:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF HOME AND POLITICAL
ASSAM SECRETARIAT
DISPUR
GUWAHATI- 781006
ASSAM

3:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI-07

4:THE ASSISTANT INSPECTOR GENERAL OF POLICE (LAW)
ASSAM
ULUBARI
GUWAHATI-07

Advocate for : MR H K DAS
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/573/2025

ANAL JYOTI DAS
S/O- BINAY KUMAR DAS
VILL SANTINAGAR
P.O.- BALADMARI
P.S.- GOALPARA
DIST- GOALPARA

ASSAM-783121

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE SECRETARY TO GOVT OF ASSAM
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : I.A.(Civil)/1181/2025

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT.OF
ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR-6

2: THE SECRETARY TO GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

3: THE JOINT SECRETARY TO GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

VERSUS

NITU MANI DAS
S/O- SRI RAMANI MOHAN DAS
R/O- FATASHIL AMBARI
A.K. DEV ROAD
NEAR TULA FACTORY
GUWAHATI- 781025

Advocate for : JR. GA
ASSAM
Advocate for : MR. K N CHOUDHURY appearing for NITU MANI DAS

Linked Case : I.A.(Civil)/1070/2025

THE STATE OF ASSAM and 3 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006.

2: THE PRINCIPAL SECRETARY
TO GOVERNMENT OF ASSAM
PERSONNEL (A)
DEPARTMENT
BLOCK-A JANATABHAWAN
DISPUR
GUWAHATI- 781006

3: THE COMMISSIONER AND SECRETARY
TO GOVERNMENT OF ASSAM
PERSONNEL (A)
DEPARTMENT
BLOCK-A JANATABHAWAN
DISPUR
GUWAHATI
781006

4: THE SECRETARY TO GOVERNMENT OF ASSAM
PERSONNEL (A)
DEPARTMENT
DISPUR
GUWAHATI

781006
VERSUS

HITESH MAZUMDAR
S/O- LATE ANANGA MOHAN MAZUMDAR
R/O- C/O BHAGABAN CH. DAS
NO.2 MATHGHARIA
MOTHER TERESA ROAD
NEAR SAI APARTMENT
P.O- NOONMATI
P.S- NOONMATI
ASSAM
781020

Advocate for : JR. GA
ASSAM
Advocate for : IMSENKALA appearing for HITESH MAZUMDAR

Linked Case : WP(C)/542/2025

AKASHEE DUWARAH
D/O HIRANYA KUMAR DUWARAH
RESIDENT OF HOUASE NO 141
WARD NO 12
KB ROAD
KESHAB CHANDRA GOSWAMI PATH
NORTH LAKHIMPUR
PS NORTH LAKHIMPUR
ASSAM 787001

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL A
DEPARTMENT
BLOCK A JANATA BHAWAN

DISPUR
GUWAHATI

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
PERSONNEL A
DEPARTMENT
BLOCK A JANATA BHAWAN
DISPUR
GUWAHATI

4:THE SECRETARY TO GOVERNMENT OF ASSAM
PERSONNEL A
DEPARTMENT
DISPUR
GUWAHATI

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : I.A.(Civil)/1071/2025

THE STATE OF ASSAM AND ORS
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2: THE ADDITIONAL CHIEF SECRETARY
GOVT. OF ASSAM
CO-OPERATION DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-781006

3: THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
CO-OPERATION DEPARTMENT
ASSAM SECRETARIAT (CIVIL) DISPUR
GUWAHATI-781006

4: THE SECRETARY
TO THE GOVT OF ASSAM
COOPERATION DEPARTMENT
BLOCK-C 4TH FLOOR

JANATA BHAWAN
DISPUR GUWAHATI-781006
VERSUS

BIKASH SHARMA
S/O- SRI NARAYAN CHANDRA SARMA
R/O- VILL BAMUNDI
P.O- BAMUNDI
P.S.- SUALKUCHI
DIST.- KAMRUP
ASSAM-781103

Advocate for : JR. GA
ASSAM
Advocate for : IMSENKALA appearing for BIKASH SHARMA

Linked Case : WP(C)/539/2025

CHAKRADHAR DEKA
S/O LATE BRAJANTH DEKA

RESIDENT OF BANGAON
PO BANGAON
PS PATHSALA
DIST BAJALI
ASSAM 781375

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

2:THE ADDITIONAL CHIEF SECRETARY
GOVERNMENT OF ASSAM
CO OPERATION DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI

3:THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
COOPERATION DEPARTMENT
ASSAM SCREATRAIAT CIVIL
DISPUR
GUWAHATI

4:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
COOPERATION DEPARTMENT
BLOCK C 4TH FLOOR
JANATA BHAWAN
DISPUR
GUWAHATI

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : WP(C)/5768/2024

DR. HITESH MAZUMDAR
S/O SHRI BHAGABAN CH. DAS
R/O NO. 2 MATHGHARIA
MOTHER TERESA ROAD
NOONMATI
GUWAHATI-781020

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY
GOVERNMENT OF ASSAM
PERSONNEL DEPARTMENT
DISPUR
GUWAHATI-6

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL DEPARTMENT
DISPUR
GUWAHATI-6

3:THE DEPUTY SECRETARY TO GOVERNMENT OF ASSAM
PERSONNEL DEPARTMENT
DISPUR

GUWAHATI-6

Advocate for : MR. K N CHOUDHURY

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : WP(C)/574/2025

DHIRAJ KUMAR JAIN
S/O- PAWAN KUMAR JAIN
C/O- PAWAN KUMAR JAIN
VILL BIJOYNAGAR
P.S.- PALASHBARI
DIST- KAMRUP
ASSAM
-781122

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM PERSONNEL (A) DEPARTMENT
BLOCK-C
JANATA BHAWAN
DISPUR
GUWAHATI-781006

3:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

4:THE SECRETARY TO GOVT OF ASSAM
PERSONNEL (A) DEPARTMENT
DISPUR
GUWAHATI-781006

Advocate for : IMSENKALA

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : I.A.(Civil)/1106/2025

THE STATE OF ASSAM AND ORS
REP. BY 6THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2: THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
EXCISE DEPARTMENT
DISPUR GUWAHATI 781006

3: THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
EXCISE DEPARTMENT
DISPUR
GUWAHATI-781006

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

SAURAV PRAN SHARMA
S/O- SURESH CH SHARMA
R/O- BARPETA ROAD
RAMKRISHNA CENTRE ROAD
P.S.- BARPETA ROAD
DIST.- BARPETA
ASSAM-781315

Advocate for : JR. GA
ASSAM
Advocate for : IMSENKALA appearing for SAURAV PRAN SHARMA

Linked Case : WP(C)/6856/2024

AMIT RAJ CHOUDHURY
S/O PARESH CHOUDHURY
R/O NABADAY APARTMENT

2-D
SINAKI PATH
MOTHER TERESA ROAD
P.S. GEETANAGAR

DIST. KAMRUP (M)
ASSAM
PIN-781024

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006.

2:THE SECRETARY TO THE GOVT. OF ASSAM

HOME (A) DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE JOINT SECRETARY TO THE GOVT. OF ASSAM

HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006.

4:THE DIRECTOR GENERAL OF POLICE

ULUBARI
GUWAHATI-781007

Advocate for : MR. M SMITH
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WP(C)/5666/2024

NILANJAL GOGOI
S/O- LATE GANGADHAR GOGOI

FLAT NO-2H
CENTURY APARTMENT
G.S ROAD
DISPUR
GUWAHATI
KAMRUP (M)
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE ADDL. CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM

DISPUR
GHY-06

2:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-05

3:THE JOINT SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-05

4:THE INSPECTOR GENERAL OF POLICE
(MPC) CUM INQUIRY OFFICER
ASSAM POLICE HEADQUARTER
ULUBARI
GUWAHATI

5:THE ASSISTANT INSPECTOR GENERAL OF POLICE
(WELFARE)
ASSAM
GUWAHATI

Advocate for : MR. A GOYAL
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 4 ORS

Linked Case : I.A.(Civil)/1166/2025

THE STATE OF ASSAM AND 3 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
DEPARTMENT OF HOME AND POLITICAL
ASSAM SECRETARIAT
DISPUR
GUWAHATI- 781006
ASSAM

2: THE SECRETARY
TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF HOME AND POLITICAL
ASSAM SECRETARIAT
DISPUR
GUWAHATI- 781006
ASSAM

3: THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI-07

4: THE ASSISTANT INSPECTOR GENERAL OF POLICE (LAW)
ASSAM
ULUBARI
GUWAHATI-07
VERSUS

PUSHKAL GOGOI
S/O- LATE PRADIP GOGOI
R/O- 2 NO MIRIHULA VILLAGE
MORANHAT
DIBRUGARH
ASSAM
PIN-785670

Advocate for : ANANYA TALUKDAR
Advocate for : MR H K DAS appearing for PUSHKAL GOGOI

Linked Case : WP(C)/5862/2024

PRIYANKA DEKA
W/O BIKASH TALUKDAR
RESIDENT OF BARKURIHA VILLAGE NEAR GOPINATH MANDIR
MOROWA KAMALPUR ROAD
PO NALBARI
PS AND DIST NALBARI
ASSAM 781348

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF
ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR GUWAHATI 781006

2:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR GUWAHATI 06

3:THE SECRETARY TO THE GOVT. OF ASSAM

FINANCE DEPARTMENT
DISPUR GUWAHATI 781006

4:THE ADDITIONAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR GUWAHATI 781006

Advocate for : MR S DUTTA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : I.A.(Civil)/1162/2025

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

2: THE SECRETARY TO GOVERNMENT OF ASSAM

HOME (A) DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

3: THE JOINT SECRETARY TO GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6
VERSUS

SAJAHAN SARKAR
S/O- LATE GOLAM SARWAR SARKAR
R/O- HOUSE NO.3
BYE LANE NO.-2
KAILASH NAGAR
BHETAPARA ROAD
HATIGAON
GUWAHATI- 781038

Advocate for : JR. GA
ASSAM
Advocate for : MR. K N CHOUDHURY appearing for SAJAHAN SARKAR

Linked Case : I.A.(Civil)/2827/2025

STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOCT.
OF ASSAM
EXCISE DEPARTMENT
DISPUR
GUWAHATI
781006

2: THE COMMISSIONER AND SECRETARY
THE GOVT. OF ASSAM EXCISE DEPARTMENT DISPUR GUWAHATI 781006

3: THE SECRETARY
GOVT. OF ASSAM EXCISE DEPARTMENT DISPUR GUWAHATI 781006

4: THE SECRETARY
GOVT. OF ASSAM PERSONAL DEPARTMENT DISPUR GUWAHATI 781006

5: THE JOINT SECRETARY
GOVT. OF ASSAM EXCISE DEPARTMENT DISPUR GUWAHATI 781006

6: THE ENQUIRY OFFICER
SECRETARIATE CIVIL DISPUR GUWAHATI 781006
VERSUS

SAURAV PRAN SHARMA
S/O SURESH CH. SHARMA RESIDENT OF BARPETA ROAD
WARD NO 2 RAMKRISHNA CENTRE ROAD
PO BARPETA ROAD
PS AND DISTRICT BARPETA ASSAM - 781315

Advocate for : MRS S BARUAH
Advocate for : MR. N K KALITA appearing for SAURAV PRAN SHARMA

Linked Case : I.A.(Civil)/1171/2025

THE STATE OF ASSAM AND TWO ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2: THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI- 781006

3: THE SECRETARY TO GOVERNMENT OF ASSAM
OF THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI- 781006
VERSUS

RUMIR TIMUNGPI
D/O-MANGAL SING TIMUNG R/O- RONGMILI WARD NO-6
P.O.-DIPHU
P.S. DIPHU
DISTRICT- KARBI ANGLONG
ASSAM- 782460

Advocate for : JR. GA
ASSAM
Advocate for : IMSENKALA appearing for RUMIR TIMUNGPI

Linked Case : WP(C)/832/2025

BICHITRA GOPAL NATH
S/O- SRI KHAGENDRA NATH
R/O- VILL- RANGACHAHI
UNDER PS JENGRAIMUKH
DIST- MAJULI
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP BY THE ADDL CHIEF SECRETARY TO THE GOVT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI- 781006

2:THE PRINCIPAL SECRETARY

TO THE GOVERNMENT OF ASSAM

SKILL EMPLOYMENT ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE SECRETARY TO THE GOVT. OF ASSAM

SKILL
EMPLOYMENT AND ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI-781006.

4:THE ADDITIONAL SECRETARY TO THE GOVT. OF ASSAM

SKILL EMPLOYMENT ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI-781006

Advocate for : MR. D K DAS
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : I.A.(Civil)/1318/2025

THE STATE OF ASSAM AND 3 ORS
REP. BY ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM
HOME AND POLITICAL DEPARTMENT DISPUR
GUWAHATI-6.

2: THE SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT
DISPUR
GUWAHATI-6.

3: THE JOINT
TO THE GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-6.

4: THE DIRECTOR GENERAL OF POLICE
ULUBARI
GUWAHATI-07
ASSAM
VERSUS

KULA PRADIP BHATTACHARYYA
S/O- HEMANTA BHATTACHARYA
R/O- H.N-07
UDAYAN PATH -2
TRIPURA ROAD
BELTOLA
GUWAHATI-28
DIST- KAMRUP (M)
ASSAM

Advocate for : JR. GA
ASSAM
Advocate for : MR K P PATHAK appearing for KULA PRADIP BHATTACHARYYA

Linked Case : WP(C)/566/2025

MRIDUL HAZARIKA
S/O HEMKANTA HAZARIKA

RESIDENT OF HOUSE NO 13
BHASKAR NAGAR
ZOO ROAD
BYE LANE 2
BAMUNIMADAM
GEETANAGAR
KAMRUP
ASSAM 781021

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

2:THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
SKILL
EMPLOYEMENT ENTERPRENEURSHIP DEPARTMENT
DISPUR GUWAHATI

3:THE SECRETARY TO GOVT OF ASSAM
SKILL EMPLOYEMENT ENTERPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI-781006

4:THE ADDITIONAL SECRETARY
TO THE GOVERNMENT OF ASSAM
SKILL EMPLOYEMENT ENTERPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : I.A.(Civil)/1687/2025

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR 06

2: THE SECRETARY
TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT JANATA BHAWAN
DISPUR GUWAHATI 06

3: THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT JANATA BHAWAN
DISPUR GUWAHATI 06
VERSUS

NABANITA SHARMA
AGED ABOUT 37 YEARS
W /O RANDHIR GOSWAMI
R/O HOUSE NO 4
BYE LANE 6
ZOO ROAD TINIALI
HRIDAY RANJAN PATH
PS GEETANAGAR
DISTRICT KAMRUP M ASSAM 781003

Advocate for : JR. GA
ASSAM
Advocate for : MR. T DEURI appearing for NABANITA SHARMA

Linked Case : I.A.(Civil)/1248/2025

THE STATE OF ASSAM
REP BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
PERSONNEL(A) DEPARTMENT
BLOCK-A
JANATA BHAWAN
DISPUR
781006

2: THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM PERSONNEL (A) DEPARTMENT
BLOCK-C
JANATA BHAWAN
DISPUR
GUWAHATI-781006

3: THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

4: THE SECRETARY TO GOVT OF ASSAM
PERSONNEL (A) DEPARTMENT
DISPUR
GUWAHATI-781006
VERSUS

DHIRAJ KUMAR JAIN
S/O PAWAN KUMAR JAIN

RESIDENT OF VILL- BIJOYNAGAR
P.S- PALASHBARI
DIST-KAMRUP
ASSAM 781122

Advocate for : MR. C K S BARUAH
Advocate for : IMSENKALA appearing for DHIRAJ KUMAR JAIN

Linked Case : WP(C)/5552/2024

RITURAJ DOLEY
S/O- RANJIT KUMAR DOLEY
R/O- HOUSE NO. 9
CHACHAL
SIXMILE
P.S. DISPUR
DIST. KAMRUP(M)
ASSAM
PIN- 781022.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY GOVERNMENT OF
ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006.

2:THE SECRETARY TO THE GOVT. OF ASSAM
HOME (A) DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006.

4:THE DIRECTOR GENERAL OF POLICE
ULUBARI
GUWAHATI-781007.

5:THE INSPECTOR GENERAL OF POLICE (T AND AP)

ASSAM-CUM-INQUIRY OFFICER
ASSAM
GHY-781007.

Advocate for : MR. A K BARUAH

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 4 ORS

Linked Case : WP(C)/541/2025

NITU MANI DAS
S/O RAMANI MOHAN DAS
RESIENT OF FATASHIL AMBARI
AK DEV ROAD
NEAR TULA FACTORY
BYLANE SEWALI PATH
H NO 9
FATASHIL AMBARI
KAMRUP
ASSAM 781025

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI 781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME A AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

3:THE SECRETARY TO THE GOVERNMENT OF ASSAM
ASSAM
HOME A AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

Advocate for : IMSENKALA

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : WP(C)/5229/2024

KULA PRADIP BHATTACHARYYA
S/O- HEMANTA BHATTACHARYA
R/O- H.N-07
UDAYAN PATH -2
TRIPURA ROAD
BELTOLA
GUWAHATI-28
DIST- KAMRUP (M)
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-6.

2:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE JOINT
TO THE GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE DIRECTOR GENERAL OF POLICE
ULUBARI
GUWAHATI-07
ASSAM

Advocate for : MR. K P PATHAK
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : I.A.(Civil)/1659/2025

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY
GOVT.OF ASSAM
PERSONNEL DEPARTMENT
DISPUR-6

2: THE DIRECTOR GENERAL OF POLICE

ASSAM
ULUBARI
DIST. KAMRUP (M)
ASSAM
PIN-781007

3: ASSISTANT INSPECTOR GENERAL OF POLICE (WELFARE)

ULUBARI
DIST. KAMRUP (M)
ASSAM
PIN-781007
VERSUS

SUKANYA DAS
W/O MR. KRISHNA BORDEURI
R/O BYLANE NO. 03
GORCHUK CHARIALI
DIST. KAMRUP (M)
ASSAM
PIN-781035

Advocate for : JR. GA
ASSAM
Advocate for : MR. M K CHOUDHURY appearing for SUKANYA DAS

Linked Case : WP(C)/5483/2024

GITTARTHA BARUAH
SON OF LATE HEM BARUAH

RESIDENT OF BAKUL PATH
GAJAPATI VILA

NEAR NH-37
POLICE STATION- JALUKBARI

DISTRICT- KAMRUP(METRO)
ASSAM

PIN- 781013.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM

SKILL
EMPLOYMENT AND ENTREPRENEURSHIP DEPARTMENT

BLOCK- D
1ST FLOOR
JANATA BHAWAN

DISPUR
GUWAHATI- 781006.

2:THE DIRECTOR

DIRECTORATE OF EMPLOYMENT AND CRAFTSMEN TRAINING
ASSAM

REHABARI
GUWAHATI- 781008.

3:THE ADDITIONAL SECRETARY TO THE GOVERNMENT OF ASSAM
SKILL
EMPLOYMENT AND ENTREPRENEURSHIP DEPTT.
BLOCK- D
1ST FLOOR
JANATA BHAWAN

DISPUR
GUWAHATI- 781006.

Advocate for : MR. T DEURI
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : WP(C)/5770/2024

SMTI. NANDINI KAKATI
D/O LATE DR. RIPUNJOY KAKATI
R/O 2G
GHAR ENCLAVE
JAYANAGAR
GUWAHATI-22

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT
JANATA BHAWAN

DISPUR
GUWAHATI-6

3:THE JOINT SECRETARY TO THE GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

Advocate for : MR. K N CHOUDHURY
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : I.A.(Civil)/634/2025

THE STATE OF ASSAM
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2: THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR
GUWAHATI-781006

3: THE SECRETARY TO GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-781006

4: THE ADDITIONAL SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR
GUWAHATI-781006
VERSUS

JAYANTA DOLEY

S/O LOLSING DOLEY
R/O HOUSE NO. 115
SUSHILA PATH
KAINADHARA
UDAYNAGAR

KHANAPARA
GUWAHATI-781022

Advocate for : DIPANKAR NATH
Advocate for : MS B CHOUDHURY appearing for JAYANTA DOLEY

Linked Case : I.A.(Civil)/1668/2025

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT DISPUR
GUWAHATI-6.

2: THE SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT

DISPUR
GHY-06

3: THE JOINT SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT
DISPUR
GHY-06
VERSUS

ASEEMA KALITA
D/O- MADAN KALITA
R/O- H.NO-3
PRABHAT BARMAN PATH
JATIA
KAHILIPARA
P.O- ASSAM
SACHIBALAYA
DISPUR
KAMRUP (M)
ASSAM
PIN-781006

Advocate for : JR. GA
ASSAM
Advocate for : MR A ATREYA appearing for ASEEMA KALITA

Linked Case : I.A.(Civil)/201/2025

AKASHEE DUWARAH
D/O HIRANYA KUMAR DUWARAH
RESIDENT OF HOUSE NO 141
WARD NO 12
KB ROAD
KESHAB CHANDRA GOSWAMI PATH
NORTH LAKHIMPUR
PS NORTH LAKHIMPUR
ASSAM 787001

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL A
DEPARTMENT
BLOCK A JANATA BHAWAN
DISPUR
GUWAHATI

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
PERSONNEL A
DEPARTMENT
BLOCK A JANATA BHAWAN
DISPUR
GUWAHATI

4:THE SECRETARY TO GOVERNMENT OF ASSAM
PERSONNEL A
DEPARTMENT
DISPUR
GUWAHATI

Advocate for : IMSENKALA

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : WP(C)/5610/2024

DIPANKAR DUTTA LAHKAR
S/O- SRI JAJNYA DUTTA LAHKAR
R/O- HOUSE NO.-6
LAKSHMINAGAR
RUPNAGAR
GUWAHATI- 32

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

2:THE SECRETARY TO GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

3:THE JOINT SECRETARY TO GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-6

Advocate for : MR. K N CHOUDHURY

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : WP(C)/1929/2025

SUKANYA DAS

W/O-KRISHNA BORDEURI
R/O-BYE-LANE NO.03
GORCHUK CHARALI
DIST-KAMRUP (M)
ASSAM-781035

VERSUS

THE STATE OF ASSAM
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE SECRETARY TO GOVT OF ASSAM
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM

Linked Case : WP(C)/535/2025

MD FARUK AHMED
S/O- LATE MAFIJUDDIN AHMED
R/O- SHOTKHIL VILIAGE
P.O- MORANJANA
PS- RANGLA
DISTRICT- KAMRUP
ASSAM
781354

VERSUS

THE STATE OF ASSAM AND TWO ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI
781006

3:THE SECRETARY TO GOVERNMENT OF ASSAM
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI
781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND TWO ORS

Linked Case : WP(C)/533/2025

DR KALYAN KUMAR DAS
S/O- BINANDI DAS
R/O- GAROBASTI
BEHIND GANESH MANDIR 8TH MILE
PO- AMERIGOG
PS-BASTSTHA
DISTRICT- KAMRUP(M)
ASSAM- 781023

VERSUS

THE STATE OF ASSAM AND TWO ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL L DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE SECRETARY TO GOVERNMENT OF ASSAM
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT DISPUR
GUWAHATI-781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND TWO ORS

Linked Case : WP(C)/5384/2024

RAKESH DAS
S/O- SRI BHAGABAN DAS
R/O- H.NO. 45
MANIMUGHAR NAGAR CHACHAL
SIXMILE
P.O. KHANAPARA
GUWAHATI- 781022

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL AND SECRETARY TO THE GOVT. OF
ASSAM
SKILL EMPLOYMENT AND ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI- 781006

2:THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
SKILL EMPLOYMENT AND ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI- 781006

3:THE SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONAL DEPARTMENT
DISPUR
GUWAHATI- 781006

4:THE ADDITIONAL SECRETARY TO THE SECRETARY TO THE
GOVERNMENT OF ASSAM
SKILL EMPLOYMENT AND ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI- 781006

5:THE INQUIRY OFFICER
ASSAM SECRETARIATE (CIVIL) DISPUR
GUWAHATI- 781006

Advocate for : MR. Y S MANNAN
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 4 ORS

Linked Case : I.A.(Civil)/927/2025

THE STATE OF ASSAM
REPRESENTED BY THE ADDL. CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR-6

2: THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
HOME(A) AND POLITICAL DEPARTMENT
DISPUR-6

3: THE SECRETARY
TO THE GOVT. OF ASSAM
HOME(A) AND POILITICAL DEPARTMENT
DISPUR-6
VERSUS

DIPANKAR DUTTA LAHKAR
S/O JAJNYA DUTTA LAHKAR
RESIDENT OF HOUSE NO 6
LAKSHMIPATH
RUPNAGAR
GUWAHATI
INDRAPUR
BHANGAGARH
KAMRUP METRO
ASSAM
781032

Advocate for : JR. GA
ASSAM
Advocate for : appearing for DIPANKAR DUTTA LAHKAR

Linked Case : I.A.(Civil)/632/2025

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF
ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR GUWAHATI 781006

2: THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR GUWAHATI 06

3: THE SECRETARY TO THE GOVT. OF ASSAM

FINANCE DEPARTMENT
DISPUR GUWAHATI 781006

4: THE ADDITIONAL SECRETARY TO THE GOVT. OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR GUWAHATI 781006
VERSUS

PRIYANKA DEKA
W/O BIKASH TALUKDAR
RESIDENT OF BARKURIHA VILLAGE NEAR GOPINATH MANDIR
MOROWA KAMALPUR ROAD
PO NALBARI
PS AND DIST NALBARI
ASSAM 781348

Advocate for : SR. GA
ASSAM
Advocate for : MS. B CHOWDHURY appearing for PRIYANKA DEKA

Linked Case : WP(C)/534/2025

RUMIR TIMUNGPI

D/O-MANGAL SING TIMUNG R/O- RONGMILI WARD NO-6
P.O.-DIPHU
P.S. DIPHU
DISTRICT- KARBI ANGLONG
ASSAM- 782460

VERSUS

THE STATE OF ASSAM AND TWO ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI- 781006

3:THE SECRETARY TO GOVERNMENT OF ASSAM
OF THE GOVERNMENT OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI- 781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND TWO ORS

Linked Case : WP(C)/6311/2024

NABANITA SHARMA
W/O RANDHIR GOSWAMI

RESIDENT OF HOUSE NO. 4
BYE LANE NO. 6
ZOO ROAD TINIALI
HRIDAY RANJAN PATH
PO GEETANAGAR
DIST KAMRUP M ASSAM 781003

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF
ASSAM
HOME AND POLITICAL DEPARTMENT JANATA BHAWAN
DISPUR GUWAHATI 06

2:THE SECRETARY
TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT JANATA BHAWAN
DISPUR GUWAHATI 06

3:THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT JANATA BHAWAN
DISPUR GUWAHATI 06

Advocate for : MR. T DEURI
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS.

Linked Case : WP(C)/568/2025

NILANJAL GOGOI
S/O LATE GANGA DHAR GOGOI
RESIDENT OF FLAT NO. 2H
CENTURY APARTMENT
GANESHGURI
G S ROAD
NEAR KAR BHAVAN
ASSAM SACHIVALAYA
DISPUR KAMRUP METRO 781006

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR

GUWAHATI-781006

3:THE SECRETARY TO GOVT OF ASSAM
TO THE GOVT. OF ASSAM
HOME (A) AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

Advocate for : IMSENKALA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND ORS

Linked Case : I.A.(Civil)/2436/2025

THE STATE OF ASSAM
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT. OF
ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI 781006

2: THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
SKILL
EMPLOYMENT
ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI-781006.

3: THE SECRETARY
TO THE GOVERNMENT OF ASSAM
SKILL
EMPLOYMENT ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI - 781006.

4: THE ADDITIONAL SECRETARY
TO THE GOVERNMENT OF ASSAM
SKILL
EMPLOYMENT ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI - 781006
VERSUS

MRIDUL HAZARIKA
SO HEMKANTA HAZARIKA

For the Petitioner(s):

Mr. K.N. Choudhury, Sr. Advocate

Mr. A. Chowdhury, Sr. Advocate

Mr. T. Kashyap, Advocate

Ms. B. Chowdhury, Advocate

Mr. S. Dutta, Advocate

Ms. Imsenkala, Advocate

Mr. Y.S. Mannan, Advocate

Mr. M. Bhuyan, Advocate

Mr. A.K. Baruah, Advocate

Mr. T. Deuri, Advocate

Mr. L. Wangsa, Advocate

Mr. A. Atreya, Advocate

For the Respondents(s): Mr. N. Kohli, Sr. Advocate
Mr. D. Nath, Sr. Govt. Advocate
Mr. A. Roy, Advocate
Ms. N. Menon, Advocate

Date on which judgment was reserved : **07.03.2026**

Date of pronouncement of judgment : **01.04.2026**

Whether the pronouncement is of the
Operative part of the judgment? : **NA**

Whether the full judgment has been
pronounced? : **Yes**

JUDGMENT AND ORDER (CAV)

Heard Mr. K.N. Choudhury, the learned Senior Counsel assisted by Mr. T. Kashyap, the learned counsel; Mr. A. Chowdhury, the learned Senior Counsel assisted by Ms. B. Chowdhury, the learned counsel as well as Mr. Y.S. Mannan; Mr. M. Bhuyan; Mr. A.K. Baruah; Mr. T. Deuri; Mr. L. Wangsa and Mr. A. Atreya, the learned counsels representing the respective writ Petitioners in the present batch of writ petitions. Also heard Mr. N. Kohli, the learned Senior Counsel assisted by Mr. A. Roy and Ms. N. Menon, the learned counsels as well as Mr. D. Nath, the learned Senior Government Advocate, Assam, representing the State of Assam.

2. The present batch of writ petitions challenge the initiation of the Departmental Proceedings against the writ Petitioners on the basis of 2 (two) reports submitted by the One Man Commission appointed by the State of Assam for the Combined Competitive Examination (CCE), 2013 and Combined Competitive Examination (CCE), 2014.

3. At the outset it is relevant to take note of that in some of the writ petitions a contention has been urged questioning upon the legality and validity of the continuation of the Departmental Proceedings pending the criminal proceedings.

4. Mr. K.N. Choudhury, the learned Senior Counsel along with the other learned counsels for the writ Petitioners submitted that the writ petitions where they are representing, their writ petitions should be restricted only to the question of the legality and validity of the reports submitted by the One-Man Commission and whether on the basis of the said reports the Departmental Proceedings against them can be initiated as the said reports are in violation to the rights of the Petitioners under Section 8B and Section 8C of the Commission on Inquiry Act, 1952.

5. Mr. N. Kohli, the learned Senior Counsel appearing on behalf of the State of Assam also submitted that as the writ petitioners do not want to insist on their contention regarding the legality and validity of the continuation of parallel proceedings pertaining to Departmental Proceedings and criminal proceedings, the batch of writ petitions be decided on the question of the legality and validity of the reports submitted by the One-Man Commission and whether the Departmental Proceedings can be initiated and continued.

6. In view of the above submissions, the present adjudication is

limited to the legality and validity of the reports submitted by the One-Man Commission and its effect upon the Departmental Proceedings initiated against the Petitioners and other consequential actions.

BRIEF FACTS OF THE CASES

7. It has been submitted at the bar that the facts in all the writ petitions are similar except in the case of the writ petitioner in WP(C) No. 6439/2024, wherein though the facts are similar, but the said writ petition is in respect to the report of the One-Man Commission for the Combined Competitive Examination (CCE), 2014, whereas, in respect to all other writ petitions, it is the report of the One-Man Commission for Combined Competitive Examination (CCE), 2013. It was also submitted during the course of the hearing that, taking into account the similarity of facts in each of the writ petitions and pleadings being more adequate in WP(C) No. 5862/2024, the pleadings in the said writ petition be taken up as the pleadings in all other cases. It is under such circumstances, this Court would deal with the pleadings of WP(C) No. 5862/2024 as well as the varieties in WP(C) No. 6439/2024 as herein under.

8. Pursuant to an advertisement dated 11.08.2013 issued by the Assam Public Service Commission (for short, "the APSC"), the Petitioner in WP(C) No. 5862/2024 appeared in the said Competitive

Examination and secured third rank in the category of the post of Inspector of Taxes. On 26.08.2015, the Petitioner was issued the appointment letter directing her to join and report to the Director of Training, Assam Administrative Staff College, Khanapara, Guwahati. Thereupon, on 29.09.2015, the Petitioner was directed to join as the Inspector of Taxes, Digboi Unit. On 30.09.2015, the Petitioner joined as Inspector of Taxes in the Digboi Unit. Subsequent thereto, vide the Notification dated 23.02.2017, the Petitioner, who was then working as the Inspector of Taxes, Digboi Unit, was transferred and posted to the Nagaon Unit in the same capacity w.e.f. the date of taking over the charge.

9. At this stage, it is very pertinent to take note of that an Inquiry Commission was constituted by the Government of Assam vide a Notification No. PLA.440/2015/102/ECF-72687 dated 08.07.2019, to inquire into the allegations of anomalies and malpractices in the conduct of examinations by the APSC. The terms of inquiry set out in the Notification dated 08.07.2019 being relevant are reproduced herein under:

- “1) To inquire into the allegations of anomalies and malpractices in conduct of Civil Services Preliminary and Main Examinations the results of which was declared on 12th May, 2015;*
- 2) To inquire into the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Commission therein;*

- 3) *To inquire into the system followed by Assam Public Service Commission for setting of questions for conducting various examinations including the qualifications, integrity competency of the question setters and whether the question setters are properly trained and briefed by the Commission; to enquire further whether the Assam Public Service Commission prepares panel of question setters and the modalities for selection of question setters. To suggest improvement in mode of selection and preparation of the panel of dedicated question setters;*
- 4) *To inquire into the modalities adopted by the Assam Public Service Commission for moderation of questions set for various written examinations, whether clear distinction and demarcation is there between question setters and moderators. Incidents in the past where due to ambiguity in answer keys corrective measures had to be taken by the commission, to ascertain the fault on the part of question setters and ways to eradicate any future possibilities of such situations;*
- 5) *To inquire and study the system followed by the Commission for holding the viva- voce /interview of the candidates , marking pattern under the existing rules and whether proper transparency is maintained during the viva-voce/interview of the candidates;*
- 6) *To study the SOP for entry in strong rooms, access to stocked answer scripts and to ascertain whether there is need for amendments in such SOPs to eradicate any scope for doubts:*
- 7) *Ascertaining the above facts, to suggest measures for elimination of anomalies and all kinds of malpractices in conduct of examinations by APSC and thereby paving the way for selection of genuine candidates by the Commission and recommendations for framing new rules to be followed by the Commission in future for conducting examinations for recruitment in Government jobs;"*

10. The Commission of Inquiry thereupon took cognizance of the

Notification on 19.07.2019. The Government of Assam, however provided office accommodation to the Commission of Inquiry on 14.10.2019, i.e., almost after three months. Be that as it may, the Commission upon taking cognizance of the Notification dated 19.07.2019 issued public notices in Assamese, Bengali, Hindi & English, thereby specifying the last date of submission of written response on 18.11.2019. However, the said period was extended to the 1st week of January, 2020. The report of the Commission of Inquiry for the Combined Competitive Examination (CCE), 2013 (hereinafter referred to as, "the Report, 2013") as enclosed to the additional affidavit filed by the State of Assam on 11.02.2026 shows that 9 (nine) responses were received by the Commission of Inquiry pursuant to the public notices issued. Taking into account the issues involved, it is relevant to observe that responses were received from the following persons:

1. Sri Okram Prasanta Singha.
2. Sri ManashPratim Baruah.
3. Sri Mukesh Sharma.
4. Sri Krishna Gogoi.
5. Sri Anup Hazarika.

6. Sri Hiranya Kumar Nath.
7. Sri Kaushik Kumar Gogoi.
8. Sri Gias-Uddin-Ahmed.
9. Sri Narman Dutta.

11. The Report, 2013 reveal that the Chairman of the Commission passed an order on 12.04.2021. A perusal of the said order would show that the services of one Sri Dilip Kumar Baishya, Inspector of Police, one Sri Bhaskar Jyoti Sharma and one Mr. Neelanjan Deka, learned Advocate were utilized by the Commission. The contents of the said order shows that in exercise of the powers under Section 4 of the Commissions of Inquiry Act, 1952 (for short, "the Act of 1952"), the said Sri Dilip Kumar Baishya, Inspector of Police, Sri Bhaskar Jyoti Sharma, and Sri Neelanjan Deka, learned Advocate were authorized and deputed to inspect and take details of the answer scripts as may be found relevant, and the copies thereof, by visiting the Office of the learned Special Judge, Kamrup (M), Guwahati during the office hours.

12. Pursuant to the order dated 12.04.2021, the learned Special Judge, Assam, Guwahati passed an order dated 19.04.2021 in Special Case No. 02/2017 whereby inspection was granted to the answer scripts seized in connection with the said case. It is also seen from the Report, 2013 that the Commission, through its authorized staff,

scrutinized all the answer scripts of the selected candidates of the Combined Competitive Examination (CCE), 2013. In addition to that, the Chairman of the Commission had also cross-verified with those answer scripts. It is also mentioned in the Report, 2013 that upon verification being carried out, it came to light that 46 (forty-six) answer scripts pertaining to various selected candidates were missing. It is also to be noted from the Report, 2013 that in the meantime, the Chairman of the Commission had sought for answers in respect to 3 (three) queries from the APSC on 12.04.2021. The APSC, however, did not provide that information till 14.07.2021.

13. It further appears from the Report, 2013 that on 13.08.2021, a notice was issued to the Petitioner by the Secretary to the Chairman of the Commission on the basis of an order dated 09.08.2021 passed by the Chairman of the Commission. In the said notice, it was inter alia mentioned that during the course of the inquiry, certain malpractices and anomalies were prima facie found against the Petitioner as revealed from the case records of criminal case of Dibrugarh Police Station Case No. 936/2016 (Special Case No. 02/2017). The anomalies so mentioned in the said notice dated 13.08.2021 were in respect to FSL reports pertaining to the answer scripts of Law-I, Law-II, and Sociology-I. It was stated therein that there were alteration of the original marks obtained by the Petitioner and as per the report of the FSL, the handwriting of all

enhancement/alteration of the marks in the answer scripts were of Sri Rakesh Kumar Paul, the then, Chairman of the APSC. It is also stated that from the said facts, prime facie, question arises, as to how such huge anomalies and malpractices could happen without the Petitioner's active connivance. The Petitioner was called upon to respond to the above anomalies by way of a written statement and further, the Petitioner was provided an opportunity, if so desired, for inspecting the concerned answer scripts, FSL report, and the final Tabulation Sheet wherein there was apparent variations by visiting the Office of the Commission during office hours. The Petitioner was also asked to submit the written response on or before 25.08.2021, failing which, it would be presumed that the Petitioner has nothing to say in respect of the aforesaid discrepancy/anomaly.

14. It is further seen from the Report, 2013 and, more particularly, from Page Nos. 375 to 381 wherein specifically the conduct of the Petitioner was discussed and opined that on receipt of the said notice dated 13.08.2021, the Petitioner, through her engaged counsel, Ms. Pooja Ghosh, and her husband Sri Bikash Talukdar examined the 3 (three) answer scripts on 18.08.2021 and thereafter put the remark in the remarks column of the verification slip as "yes, as per the notice". The Petitioner thereupon submitted a reply on 23.08.2021 denying to the allegations made in the said Show Cause Notice and further stating that she had no role in the same.

15. It further appears from the Report, 2013 and more particularly at page No. 381 that the Chairman of the Commission observed that the explanation provided by the Petitioner was by far satisfactory, as the Petitioner, being the beneficiary of the enhancement of marks, than the actual secured ones, cannot take the plea that there was no connivance on her part. It was also observed that Sri Rakesh Kumar Paul, the then Chairman APSC, would not have bestowed upon the Petitioner undue benefits without her knowledge and extraneous consideration.

16. It is very pertinent to take note of another very important aspect which though was not a part of the Notice dated 13.08.2021, but prevailed upon the Chairman of the Commission was that the Petitioner's name also appeared in the list of names contained in 9 (nine) loose Tabulation Sheets of Combined Competitive Examination (CCE) 2013, recovered and seized by the investigating agency of the related criminal case from the rented house of Sri Rakesh Kumar Paul on 12.11.2016. Basing upon the said document, the Chairman of the Commission observed that the particular design to confer undue benefit to the candidates in a planned manner was discernible.

17. It is pertinent to mention, though at the cost of repetition, that the aspect pertaining to the 9 (nine) loose Tabulation Sheets of the Combined Competitive Examination (CCE) 2013 was not a part of the

Notice dated 13.08.2021. It further appears from the Report, 2013, more particularly, at page Nos. 547 to 553 that on 30.09.2021, the Chairman of the Commission passed an order to get the statement of Sri Rakesh Kumar Paul by showing him the said 9 (nine) loose Tabulation Sheets which were recovered from his residence. Sri Dilip Kumar Baishya, Inspector of Police, Sri Bhaskar Jyoti Sharma led by Sri Neelanjana Deka, learned Advocate were directed by the Chairman of the Commission to visit the Central Jail, Guwahati where Sri Rakesh Kumar Paul was lodged. On the basis of the said order, the three persons interacted with Sri Rakesh Kumar Paul on 11.10.2021. A statement was recorded of Sri Rakesh Kumar Paul in relation to the 9 (nine) loose Tabulation Sheets. However, Sri Rakesh Kumar Paul declined to put his signature stating that he did not want to attract the wrath of any accused person.

18. It is also relevant to take note of that at page No. 548 of the Report, 2013, the Chairman of the Commission observed that the said statement of Sri Rakesh Kumar Paul which was made in presence of 2 (two) responsible Office Staff and an Advocate of the Commission, who have certified the said statement to be made by Sri Rakesh Kumar Paul, cannot be brushed aside. It appears from the said observations that the Chairman of the Commission must have made the observations in the context of Section 5A(3) of the Act of 1952. This aspect, this Court shall deal at a later stage of the instant

judgment.

19. It is also pertinent to take note of that at page No. 548 of the Report, 2013 that on 20.10.2021 another order was passed by the Chairman of the Commission requiring the presence of Sri Pabitra Kaibarta before the Commission to furnish his clarifications. This power, so exercised, appears to have been done in terms with Section 4(a) of the Act of 1952. On 22.10.2021, Sri Pabitra Kaibarta submitted a statement on oath before the Commission and the entire statement was reproduced at page Nos. 548 to 551 of the Report, 2013. It is also seen that based upon the said statement made by Sri Pabitra Kaibarta, the Chairman of the Commission observed in the Report, 2013 that it was crystal clear that the manipulations through the 9 (nine) loose Tabulation Sheets which eventually found place in the mark sheets and the final Tabulation Sheets was an act of unison between Sri Kaibarta and Sri Paul.

20. This Court also finds it relevant to take note of that on 18.10.2021, the statement on oath of Dr. Mrigen Saikia was taken.

21. The reference made herein above to the recording of the statement of Mr. Rakesh Kumar Paul on 11.10.2021, the evidence of Sri Pabitra Kaibarta on 22.10.2021 as well as the recording of the statement of Dr. Mrigen Saikia on 18.10.2021 would show that the evidence were recorded after the notice issued to the Petitioner and

the reply submitted by the Petitioner. There was no information given to any of the Petitioners as would appear from the Report, 2013 that such evidence was recorded.

22. It further appears from the Report, 2013 that the Commission provided the names of the beneficiaries along with the nature of anomalies and malpractices at Chapter-XI of the Report, 2013. It includes those persons whose services have been dispensed with, as well as those persons who were still in service. The name of the Petitioner in WP(C) No.5862/2024 appear at serial No. 20 of the list A(2) of Chapter-XI of the Report, 2013. The Chairman of the Commission answered the terms of reference at Chapter-X of the Report, 2013 which not only was in relation to the allegation of anomalies and malpractices in the conduct of the Combined Competitive Examination, 2013, but also in various other aspects as to how, the APSC can take remedial steps for maintaining the proper transparency in future examinations. The Report, 2013 for the Combined Competitive Examination (CCE), 2013 was submitted on 21.03.2022.

23. This Court further finds it relevant to take note of that in respect to the alleged anomalies and malpractices in the conduct of the Combined Competitive Examination (CCE),2014, an Inquiry Commission was constituted by the Government of Assam vide the

Notification dated 20.05.2022. The Terms of the Reference are extracted herein under:

- “1. To inquire into the allegations of anomalies and malpractices in conduct of CCE, 2014,*
- 2. To inquire into the entire process of selection of the candidates and role of the Chairman and other Members of APSC including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.*
- 3. To inquire into the system followed by APSC for setting of questions for conducting CCE, 2014 including the qualifications, integrity and competency of the question setters and whether the question setters are properly trained and briefed by the Commission; to enquire further whether the APSC prepares panel of question setters and the modalities for selection of question setters. To suggest improvement in mode of selection and preparation of the panel of dedicated question setters.*
- 4. To inquire into the modalities adopted by the APSC for moderation of questions set for CCE, 2014, whether clear distinction and demarcation is there between question setters and moderators. Incidents in the past where due to ambiguity in answer keys corrective measures had to be taken by the commission, to ascertain the fault on the part of question setters and ways to eradicate any future possibilities of such situations,*
- 5. To Inquire and study the system followed by the Commission for holding the viva-voce/interview of the candidates, making pattern under the existing rules and whether proper transparency is maintained during the viva-voce/interview of the candidates appearing CCE, 2014.”*

24. The Chairman of the Commission had submitted the report on 12.10.2023. The said report is hereinafter referred to as “the Report, 2014”). At Chapter-IX of the Report, 2014, the Commission provided

the answers to the Terms of the Reference. The answers to the said Terms of Reference, not only included the finding of facts in respect to the anomalies and malpractices in the Combined Civil Service Examination, 2014, but also remedial measures as to how, the proper transparency can be maintained. At Chapter-X of the said Report, 2014 a consolidated summary of the illegally selected candidates were mentioned which included the name of the Petitioner in WP(C) No. 6439/2024 at Serial No. 1 of the list A(ii). The nature of anomalies and malpractices committed by the said Petitioners were mentioned.

25. The records reveal that pursuant to the Report, 2013 and Report, 2014 submitted by the Commssion, directions were issued by the Personnel Department of the Government of Assam to initiate Departmental Proceedings against the Petitioners as well as those who were in service. It is on the basis thereof on 30.11.2023 a Show Cause Notice along with the Statement of Allegations and the list of documents were served upon the Petitioner in WP(C) No. 5862/2024. On the same day, the Petitioner was also put under suspension vide the Notification dated 30.11.2023.

26. The Petitioner, thereupon, submitted a reply on 08.12.2023. Subsequent thereto, on 27.05.2024 an Inquiry Officer was appointed to conduct the Departmental Proceedings. It is at that relevant stage, the Petitioners in the present batch of writ petitions approached this

Court.

27. It is relevant to take note of that this Court had issued notice in the writ petitions. In the writ petitions wherein there was a challenge to the Report, 2013 and Report, 2014 specifically for violation of Section 8B and 8C of the Act of 1952, interim orders have been passed whereby the Show Cause Notices were stayed. The learned Coordinate Bench of this Court had also stayed the Suspension Orders.

28. In respect to those writ petitions wherein the challenge was primarily on the legality and validity of the continuation of the parallel departmental and criminal proceedings, notices were issued and Departmental Proceedings were stayed.

29. This Court has also taken note of that the Respondents have filed their affidavit-in-opposition justifying their stand for initiation of the Departmental Proceedings and have also supported the Report, 2013 and Report, 2014. Interlocutory Applications have also been filed by the State of Assam for vacating the interim orders. The same, however, remained pending adjudication.

**SUBMISSIONS MADE BY THE LEARNED COUNSELS
APPEARING ON BEHALF OF THE PARTIES**

30. Mr. A. Chowdhury, the learned Senior Counsel appearing on

behalf of some of the writ Petitioners submitted that both the Reports violates the rights of the Petitioners under Sections 8B and 8C of the Act of 1952. The learned Senior Counsel submitted that upon preliminary inquiry being made, a satisfaction was arrived at by the Chairman of the Commission that the Petitioners should be issued notice as it prima facie appeared to the Commission that the Petitioners were involved in the anomalies and malpractices which led to their appointment. This aspect is apparent from the very language of the notices issued to the Petitioners. This opinion which led to the issuances of notices to the Petitioners would show that the conduct of the Petitioners would be inquired into. However, it appears that the Chairman of the Commission completely lost sight of Sections 8B and 8C of the Act of 1952.

31. The learned Senior Counsel further submitted that the Legislature specifically used the words "reasonable opportunity of being heard in the inquiry", and not reasonable opportunity of being heard, meaning thereby that from the date such opinion was formed that the conduct of the Petitioners would inquired into, the Petitioners have a right to participate in the said inquiry. The learned Senior Counsel referring to Section 8C of the Act of 1952 submitted that the reasonable opportunity of being heard in the inquiry also conferred upon the Petitioners the right to adduce evidence, the right to cross-examine the witnesses other than a witness produced by the

Petitioners; to address the Commission and also to be represented before a Commission by a legal practitioner, or with the permission of the Commission by any other person. The learned Senior Counsel therefore submitted that though the Commission was of the opinion that the conduct of the Petitioners would be enquired into, but the Commission lost sight of the status of the Petitioners in such inquiry and this aspect is apparent from the fact that the Petitioners were asked to submit a written statement of defence which is not at all conceivable as per law.

32. Referring to page No. 32 of the Report, 2013, the learned Senior Counsel further submitted that it appears that the Commission was under a presumption that it was deciding a proceedings similar like a show cause proceedings. The learned Senior Counsel submitted that Section 8B and 8C of the Act of 1952 are important safeguards being provided to the persons whose conduct are being enquired into or who are likely to be prejudiced on account of the inquiry. The learned Senior Counsel submitted that if the mandate of Section 8B and 8C of the Act of 1952 are not followed, the observations so made by the Commission cannot be applied against the Petitioners. The learned Senior Counsel further submitted that the manner in which the Commission made the fact-finding inquiry is contrary to the provisions of the Act of 1952 and as such, the Reports should be set aside and quashed.

33. Mr. A. Chowdhury, the learned Senior Counsel for the Petitioners submitted that the entire basis of the Show Cause Notices and the Statements of the Allegations enclosed therewith are the Report, 2013 and Report, 2014 so submitted by the Commission, as would be apparent from a very perusal of the Show Cause Notices as well as the Statement of the Allegations. The learned Senior Counsel further submitted that if the impugned Report, 2013 and Report, 2014 are contrary to the law, the very Departmental Proceedings initiated on the basis of the Show Cause Notice and the Statement of Allegations also cannot survive the scrutiny of law, as it loses its edifice if the Report, 2013 and Report, 2014 and/or the observations in the Report, 2013 and Report, 2014 qua the Petitioners, are set aside and quashed.

34. The learned Senior Counsel further submitted that the Petitioners have also been suspended at the time of initiation of the Show Cause proceedings on the ground that Departmental Proceedings have been initiated and if the Departmental Proceedings cannot be sustained in law, the Suspension Order cannot also be sustained in law. The learned Senior Counsel therefore submitted that the Suspension Orders have also been stayed by this Court. However, the Petitioners are yet to be reinstated.

35. Mr. K.N. Choudhury, the learned Senior Counsel submitted that

the Petitioners for whom he represents would not like to insist on the contention raised that there cannot be a parallel Departmental Proceedings along with the criminal proceedings. The learned Senior Counsel therefore submitted that the Petitioners for whom he represents would only insist upon the non-compliance to Section 8B and Section 8C of the Act of 1952.

36. The other learned counsels appearing on behalf of the other Petitioners adopted the aforementioned submissions so made by the learned Senior Counsel for some of the Petitioners.

37. Mr. N. Kohli, the learned Senior Counsel appearing on behalf of the State submitted that Section 8B of the Act of 1952 only postulates that the Commission shall provide a reasonable opportunity of being heard as well as to produce evidence. The learned Senior Counsel further submitted that by issuance of notice to the various Petitioners, the Commission had provided the reasonable opportunity to be heard. The question, as to whether, the Petitioners' herein were afforded an opportunity to produce evidence or not does not arise, taking into account that it was the duty of the Petitioners to submit before the Commission that they would like to adduce evidence. The Petitioners having not done so, the Petitioners cannot later on complain that they have not been given the opportunity to adduce evidence. The learned Senior Counsel further submitted that as regards the allegation of

non-compliance to Section 8C of the Act of 1952 does not arise, taking into account that the Commission did not examine witnesses, and if no witnesses were examined, the question of affording an opportunity to cross-examine does not arise. The learned Senior Counsel further submitted that the Commission neither refused the Petitioners to address the Commission nor represent before the Commission by way of a legal practitioner. The learned Senior Counsel submitted that when these rights were there and the Petitioners knew about it they were required to assert those rights before the Commission and failure on their part to do so would not permit them to assail the findings of the Commission on the ground of violation of Section 8B and Section 8C of the Act of 1952.

38. Mr. N.Kohli, the learned Senior Counsel for the State submitted that in the present batch of writ petitions as the learned counsels for the Petitioners have given up the contention pertaining to continuation of parallel proceedings, the batch of writ petitions be decided on the question as regards the non-compliance to Section 8A and 8B of the Act of 1952.

39. The learned Senior Counsel for the State further submitted that even assuming for argument's sake, without admitting, the Report, 2013 and Report, 2014 are held to be in violation to Sections 8B and 8C of the Act of 1952, but then also the Show Cause Notices as well

as the Statement of the Allegations need not be interfered with, as it solely does not rely upon the recommendations made in the Report, 2013 and Report, 2014. The learned Senior Counsel, also submit with a demurrer that in the circumstance this Court holds that there is a violation to Section 8B and Section 8C of the Act of 1952 by the Commission, an opportunity should be given to the State to file additional documents in the said Departmental Proceedings, as the State at that relevant point of time when the Show Cause Notices were issued only relied upon the extract of the Commission's Reports qua the Petitioners, inasmuch as in the extracts of the Commission Reports, the materials which were the basis of the Reports were quoted or reproduced in those extracts.

40. Mr. N.Kohli, the learned Senior Counsel appearing on behalf of the Respondents State submitted that it is a settled principle of law that the Suspension Order cannot be stayed as an interim measure, as it amounts to deciding the issue of suspension even without giving any opportunity to the Respondents. The learned Senior Counsel, therefore, submitted that various Interlocutory Applications have been filed for vacating and modifying the said orders, which are also pending before this Court.

41. Rejoining to the submissions so made by the learned Senior Counsel appearing on behalf of the State, Mr. A. Chowdhury, the

learned Senior Counsel appearing on behalf of the Petitioners submitted that if the Respondents State is afforded any opportunity to file additional documents, the Petitioners would be prejudiced, taking into account that they have submitted their Statements of Defence already based upon the Show Cause Notice, the Statement of the Allegations, and the list of documents so supplied at that relevant point of time.

42. Mr. K.N. Choudhury, the learned Senior Counsel appearing on behalf of some of the Petitioners in the present batch of writ petitions submitted that it is a well-settled principle of Administrative law that when two or more factors prevail upon the Authority to initiate a Departmental Proceedings and if one of such factors is set aside, the entire Departmental Proceedings cannot withstand the scrutiny of law inasmuch as it would be difficult to ascertain, as to which factor prevailed more upon the Authority for the purpose of initiation of the Departmental Proceedings.

POINTS FOR DETERMINATION

- (i) Whether the Commission violated the rights of the Petitioners under Sections 8B and 8C of the Act of 1952, while carrying out the Inquiries under the Act of 1952? If so, what are the effects of the violation?

(ii) Whether the impugned Disciplinary Proceedings, depending upon the decision in Point for Determination No. (i), can be permitted to be continued in the present form?

(iii) Whether in the facts and circumstances of the cases, any interference is called for to the Orders of Suspension of the Petitioners in the present batch of writ petitions ?

ANALYSIS AND DETERMINATION

FIRST POINT FOR DETERMINATION

43. For deciding the first point for determination, this Court finds it relevant to deal with the provisions of the Act of 1952.

44. The Act of 1952 was enacted to facilitate the setting up of Commissions with requisite powers to inquire into and report on any matter of public importance. The genesis of the said Act of 1952 as can be discerned from the XXIVth Law Commission Report is that the Government realized on the basis of its previous experiences that there was a necessity of promoting a special Legislation for setting up a Commission of Inquiry, each time the need for it arose. The Government also felt convinced of the utility of inquiries as a means of arriving at a proper appraisal of matters of public importance and of infusing the confidence of the public in its administration and conduct. As the necessity for such inquiries was bound to be a recurring one, it

was felt advantageous to have an enactment generalizing the powers which Commission of Inquiry may exercise and leaving it to the Government to constitute the Commission as and when necessary.

45. The Preamble to the Act of 1952 shows that the said Act was enacted to provide for the appointment of Commission of Inquiry and for vesting such Commission with certain powers.

46. Section 2 of the Act of 1952 is the definition clause. Section 2(a) of the Act of 1952 defines "appropriate Government". The proviso to Section 2(a) of the Act of 1952 applies to the State of Jammu and Kashmir. Under such circumstances, as the definition of "appropriate Government" is of importance, the same is reproduced herein under without the proviso:

"2. Definitions.- *in this Act, unless the context otherwise requires,-*

(a) *"appropriate Government" means-*

(i) *the Central Government, in relation to a Commission appointed by it to make an inquiry into any matter relatable to any of the entries enumerated in List I or List II or List III in the Seventh Schedule to the Constitution; and*

(ii) *the State Government, in relation to a Commission appointed by it to make an inquiry into any matter relatable to any of the entries enumerated in List II and List III in the Seventh Schedule to the Constitution:"*

47. A perusal of the above quoted provision would show that the

Central Government would be the Appropriate Government in relation to a Commission appointed by it to make an inquiry into any matters relating to the entries enumerated in List I, List II and List III in the Seventh Schedule to the Constitution. The State Government shall be the Appropriate Government in relation to a Commission appointed by it to make an inquiry into any matter relatable to any of the entries in List II or List III in the Seventh Schedule to the Constitution.

48. Section 2(b) of the Act of 1952 defines the term "Commission" to mean a Commission of Inquiry appointed under Section 3 of the Act of 1952.

49. Section 2(c) of the Act of 1952 defines the term "prescribed" to mean prescribed by the Rules made under the Act of 1952.

50. Section 3 of the Act of 1952 stipulates how a Commission of Inquiry is appointed. A Commission of Inquiry in terms with Section 3(1) of the Act of 1952 can be appointed by the Appropriate Government, if it is of the opinion that it is necessary to do so and is bound to appoint a Commission of Inquiry if a resolution in that behalf is passed by each House of the Parliament, or as the case may be, the Legislature of the State. The appointment of the Commission of Inquiry has to be notified. It is also apparent from a perusal of Section 3(1) of the Act of 1952 that a Commission of Inquiry is to be appointed for the purpose of making an inquiry into any definite

matter of public importance by performing such functions and within such time as may be specified in the Notification and the Commission so appointed shall make the inquiry and perform the functions accordingly.

The proviso to Section 3(1) of the Act of 1952 stipulates that in the circumstance the Central Government has already appointed a Commission to inquire into a matter of public importance, no State Government except with the approval of the Central Government appoint another Commission to inquire into the same matter, so long as the Commission appointed by the Central Government is functioning. Similarly, if the State Government has appointed a Commission to inquire into a matter of public importance, the Central Government shall not appoint another Commission to inquire into the same matter till such time the Commission appointed by the State Government is functioning, or if the Central Government is of the opinion that the scope of the inquiry should be extended to two or more States.

51. Section 3(4) of the Act of 1952 stipulates that the Appropriate Government shall cause to be laid before each House of the Parliament or, as the case may be, the Legislature of the State, the report, if any, of the Commission on the Inquiry made by the Commission under Sub-Section (1), together with a memorandum of

action taken thereon, within a period of 6 (six) months of the submission of the report by the Commission to the appropriate Government. The laying off of the report submitted by the Commission of Inquiry before each House of the Parliament, or as the case may be, the Legislature of the State, is mandated as per Section 3(4) of the Act 1952 so that each House of the Parliament, or as the case may be, the Legislature of the State, can deliberate as to what actions have been taken on such Report.

52. Section 4 of the Act of 1952 stipulates the power of the Commission. This Section is relevant for the purpose of the present dispute, and as such, the same is reproduced herein under:

“4. Powers of Commission.— *The Commission shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—*

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;*
- (b) requiring the discovery and production of any document;*
- (c) receiving evidence on affidavits;*
- (d) requisitioning any public record or copy thereof from any court or office;*
- (e) issuing commissions for the examination of witnesses or documents;*
- (f) any other matter which may be prescribed.”*

53. From a perusal of the above quoted Section, it would show that

the Commission shall have the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 in respect to the various matters mentioned in Sub-Clauses (a) to (e) of the Act of 1952.

Clause (f) of Section 4 of the Act of 1952 is of relevance, taking into account that the Commission shall also have the powers of a Civil Court in respect to other matters which may be prescribed. At this stage, if this Court relates back to Section 2(c) of the Act of 1952, as already mentioned hereinabove, the word "prescribed" shall mean prescribed by the Rules.

54. Section 5 of the Act of 1952 confers additional powers upon the Commission, but these additional powers of the Commission are subject to the Appropriate Government conferring such powers by a Notification in the Official Gazette. In other words, without the Appropriate Government conferring the powers under Sub-Sections (2), (3), (4) and (5) of Section 5 of the Act of 1952, the Commission on its own cannot exercise the additional powers so conferred by Section 5 of the Act of 1952.

55. Section 5A of the Act of 1952 empowers the Commission to utilize the services of certain officers and investigation agencies for conducting investigation pertaining to the inquiry. As the Commission in the instant case have been appointed by the State Government, the Commission may, for the purpose of conducting an investigation

pertaining to the inquiry, utilize the services of any officer or investigation agency of the State Government or the Central Government, with the concurrence of the State Government.

56. Section 5A(2) of the Act of 1952 stipulates that any officer or agency whose services are being utilized by the Commission may, subject to the directions and control of the Commission, (a) summon and enforce the attendance of any person and examine him; (b) require the discovery and production of any document; and (c) requisition any public records or copy thereof from any office. Sub-Sections (3), (4), and (5) of Section 5A of the Act of 1952 are relevant and the same are reproduced herein under:

“(3) The provisions of section 6 shall apply in relation to any statement made by a person before any officer or agency whose services are utilised under sub section (1) as they apply in relation to any statement made by a person in the course of giving evidence before the Commission.

(4) The officer or agency, whose services are utilised under sub-section (1), shall investigate into any matter pertaining to the inquiry and submit a report thereon (hereafter in this section referred to as the investigation report) to the Commission within such period as may be specified by the Commission in this behalf.

(5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusions, if any, arrived at in the investigation report submitted to it under sub-section (4), and for this purpose the Commission may make such inquiry (including the examination of the person or persons who conducted or assisted in the investigation) as it thinks fit.”

57. From a perusal of the above quoted Sub-Sections, it would show that a person can make a statement before the officer whose services are utilized, and it shall have the same effect as a statement made by a person in course of giving evidence before the Commission. This aspect has relevance, as would be seen at the later stage of the present judgment. Section 5A(4) of the Act of 1952 also empowers the officer or agency whose services are utilized by the Commission to submit a report to the Commission on such investigation being carried out within such period as may be specified by the Commission in that behalf. In terms with Section 5A(5) of the Act of 1952, the Commission shall satisfy itself about the correctness of the facts stated and the conclusions arrived at in the investigation report, or even make such inquiry as it deems fit.

58. Section 6 of the Act of 1952 relates to Statements made by persons to the Commission. The said Section is reproduced herein below:

“6. Statements made by persons to the Commission.— *No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:*

Provided that the statement—

(a) is made in reply to a question which he is required by the Commission to answer, or

(b) *is relevant to the subject-matter of the inquiry."*

59. From a perusal of the above quoted Section, a statement made before the Commission can neither be used to subject the person to any criminal or civil proceedings nor can it be used against him in any civil or criminal proceedings. In other words, a person deposing before the Commission may get complete protection given to a witness except in a case of prosecution for perjury.

60. His Lordship, Justice K. Jagannatha Shetty, (as His Lordship then was) in his concurring judgment in the case of ***Kehar Singh & Others Vs. State (Delhi Administration)*** reported in ***(1988) 3 SCC 609*** categorically observed that Section 6 of the Act of 1952 confers upon the person giving evidence before the Commission protection from prosecution except for perjury. His Lordship further observed that a Commission under the Act of 1952 is given the power to regulate its own procedure and also to decide whether to sit in camera or in public. A Commission appointed does not decide any dispute. There are no parties before the Commission. There is no lis. The Commission is not a Court except for a limited purpose. The procedure of the Commission is inquisitorial rather than accusatorial. The Commission may, more often may, have to give assurance to persons giving evidence before it that their statements will not be used in any subsequent proceedings except for perjury, and without

such an assurance, the person may not come forward to give statements.

61. Section 8 of the Act of 1952 stipulates the procedure to be followed by the Commission. The said provision is relevant, and as such, the said provision is extracted herein under:

“8. Procedure to be followed by the Commission.— The Commission shall, subject to any rules that may be made in this behalf, have power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private).”

62. A perusal of the above quoted provision would show that the power of the Commission to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private) is subject to any Rules that may have been made in that behalf. In other words, the Commission cannot regulate its procedure, contrary to the Rules so framed.

63. Sections 8A, 8B, and 8C of the Act of 1952 were inserted to the Act of 1952 by the Commission of Inquiry (Amendment) Act, 1971.

64. Before dealing with these Sections, this Court finds it very relevant to take note of that upon the Act of 1952 being enacted, the Central Government in exercise of the powers conferred under Section 12 of the Act of 1952, framed a set of Rules known as the Central Commissions of Inquiry (Procedure) Rules, 1960 (for short, “the Rules

of 1960"). These Rules stipulated, as to how, the Commission shall issue the notice to persons to record evidence; as well as rights conferred upon persons who were likely to be prejudicially affected. Rules 2, 3, 4, 5 and 6 of the Rules of 1960 being relevant are reproduced herein under:

"2. Notice to persons for giving evidence.—(1) The Commission shall, as soon as may be after its appointment:—

(a) issue a notice to every person who in its opinion should be given an opportunity of being heard in the inquiry to furnish to the Commission statement relating to such matters as may be specified in the notice;

(b) issue a notification to be published in such manner as it may deem fit, inviting all persons acquainted with the subject matter of the inquiry to Furnish to the Commission a statement relating to such matters as may be specified in the notification.

(2) Every statement furnished under sub-rule (1) shall be accompanied by an affidavit in support of the facts set out in the statement sworn by the person furnishing the statement.

(3) Every person furnishing a statement under sub-rule (1) shall also furnish to the Commission along with the statement a list of documents, if any, on which he proposes to rely and forward to the Commission wherever practicable the original or true copies of such of the documents as may be in his possession or power and shall state the name and address of the person from whom the remaining documents may be obtained.

3. Recording of evidence.—(1) The Commission shall examine all the statements furnished to it under Rule 2 and if, after such examination, the Commission considers it necessary to record evidence, it shall first record the evidence if any produced by

the Central Government and may thereafter record in such order as it may deem it—

(a) the evidence of any person who has furnished a statement under Rule 2 and whose evidence the Commission, having regard to the statement, considers relevant for the purpose of the inquiry;

(b) the evidence of any other person whose evidence in the opinion of the Commission, is relevant to the inquiry.

(2) If, after all the evidence is recorded under sub-rule (1), the Central Government applies to the Commission to recall any witness already examined or to examine any new witness, the Commission shall, if satisfied that it is necessary for the proper determination of any relevant fact so to do, recall such witness or examine such new witness.

4. Persons likely to be prejudicially affected to be heard.—If, at any stage of the inquiry, the Commission—

(a) considers it necessary to inquire into the conduct of any person; or

(b) is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry;

the Commission shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence.

‘5. Right of cross-examination and representation by legal practitioner.—The Central Government, every person referred to in Rule 4 and with the permission of the Commission any other person whose evidence is recorded under Rule 3—

(a) may cross-examine a witness other than a witness produced by it or him;

(b) may address the Court; and

(c) may be represented before the Commission by a legal practitioner or with the consent of the Commission, by any other person.

6. Procedure in matters not provided in the Rules.—The Commission shall have the power to regulate its own procedure in respect of any matter for which no provision is made in these Rules.”

65. From a perusal of the above quoted Rules, it would show that the same has been carefully drafted.

First, there is a distinct contrast between persons falling under Sub-Clauses (a) and (b) of Rule 2(1) of the Rules of 1960 on one hand, and those who come under Rule 4 on the other hand. A further closer scrutiny of the above quoted Rules would also show that the persons coming under Rule 4 of the Rules of 1960 are not treated as if they are covered under Rule 2(1)(a) or (b) of the Rules of 1960 or in other words, persons under Rule 4 of the Rules of 1960 are in separate class by themselves.

The second aspect which is notable is that the rights of persons coming under Rule 2(1) of the Rules of 1960 are entirely different to those of persons falling under Rule 4 of the Rules of 1960, inasmuch as a person falling under Rule 2(1) of the Rules of 1960 may be allowed, at the discretion of the Commission, to lead evidence, provided that he has furnished a statement under Rule 2 of the Rules of 1960, as would be apparent from a perusal of Rule 3(a) of the Rules of 1960. It further follows that if a person falling under Rule 2(1) of the Rules of 1960 has not furnished a statement, he cannot be

permitted to lead evidence under Rule 3(a) of the Rules of 1960 though the Commission may possibly in its discretion allow him to do so under Rule 3(b) of the Rules of 1960, treating him as any other person. However, the position of a person falling under Rule 4 of the Rules of 1960 is entirely different inasmuch as there is no Rule requiring him to furnish a statement, but by dint of Rule 4 of the Rules of 1960 itself, the person has a right to produce evidence in his defence.

A further distinction can be also seen in respect of a person coming within the ambit of Rule 2(1) with Rule 4 of the Rules of 1960. From a perusal of Rule 5 of the Rules of 1960 a person under Rule 2(1) of the Rules of 1960 has to seek permission from the Commission to cross-examine a witness other than a witness produced by it or him; to address the Commission and to be represented by a legal practitioner, whereas in respect to a person coming within the scope of Rule 4 of the Rules of 1960, such right to cross-examine; address the Commission as well as to be represented by a legal practitioner, is inbuilt in the mechanism.

It is also seen from a perusal of Rule 3 of the Rules of 1960 as regards the order of recording of evidence whereby the Central Government is to first adduce the evidence and thereupon the evidence of the person who had furnished the statement under Rule 2

of the Rules of 1960 and lastly, by the person coming within the ambit of Rule 4 of the Rules of 1960.

66. The above analysis of Rules 2, 3, 4, 5 and 6 of the Rules of 1960 is relevant inasmuch as in the XXIVth Report of the Law Commission, it was observed that Rules 4 and 5 of the Rules of 1960 embodied the fundamental principles of natural justice and safeguards the rights of individuals and therefore observed that Rules 4 and 5 of the Rules of 1960 be inserted in the Act of 1952. The relevant portion of the recommendations of the Law Commission is reproduced herein under:

“There are two rules made under section 12 of the Act which contain important provisions regarding procedure. Rules 4 and 5 read as follows:-

"4. If, at any stage of the inquiry, the Commission---

(a) considers it necessary to inquire into the conduct of any person, or

(b) is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry,

the Commission shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence,

5. The Central Government, every person referred to in rule 4 and, with the permission of the Commission, any other person whose evidence is recorded under rule 3-

(a) may cross-examine a witness other than a witness produced by it or him;

(b) may address the court; and

(c) may be represented before the Commission by a legal practitioner, or, with

the consent of the Commission, by any other person,".

We think that since these rules embody the fundamental principles of natural justice and safeguard the rights of individuals, they should be incorporated in the Act itself."

67. It is under such circumstances, the Parliament enacted the Commissions of Inquiry (Amendment) Act, 1971 w.e.f 30.12.1971, inserting Sections 8A, 8B and 8C to the Act of 1952.

68. Section 8A of the Act of 1952 however, is not relevant, but Sections 8B and 8C of the Act of 1952, being relevant, are reproduced herein under:

"8B. Persons likely to be prejudicially affected to be heard.—*If, at any stage of the inquiry, the Commission,—*

(a) considers it necessary to inquire into the conduct of any person; or

(b) is of opinion that the reputation of any person is likely to be prejudicially affected by the inquiry,

the Commission shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence:

Provided that nothing in this section shall apply where the credit of a witness is being impeached.

8C. Right of cross-examination and representation by legal practitioner.—

The appropriate Government, every person referred to in section 8B and, with the permission of the Commission, any other person whose evidence is recorded by the Commission,—

(a) may cross-examine a witness other than a witness produced by it or

him;

(b) may address the Commission; and

(c) may be represented before the Commission by a legal practitioner or, with the permission of the Commission, by any other person.”

69. A perusal of the above quoted 2 (two) provisions would show that the said Sections are verbatim the same as Rules 4 and 5 of the Rules of 1960, except two insignificant changes, i.e., a proviso has been added to Section 8B and in Section 8C, the reference to Rule 3 of the Rules of 1960 was omitted as it was required to be done.

70. At this stage, this Court also finds it very pertinent to observe taking into account the submissions so made by the learned Senior Counsels appearing on behalf of the Petitioners in the present batch of writ petitions that a conjoint reading of Sections 8B and 8C of the Act of 1952 reveals that Section 8C supplements a further right to a person coming within the fold of Section 8B or in other words, exemplifies the expression “reasonable opportunity of being heard in the inquiry” appearing in Section 8 B of the Act of 1952.

71. In order to further understand the scope and ambit of Sections 8B and 8C of the Act of 1952, it is relevant to take note of Section 12 of the Act of 1952, which empowers the appropriate Government to make Rules.

72. In pursuance to the power conferred by Section 12 of the Act of 1952, the Central Government had made the Rules of 1960 and subsequently in view of the Commissions of Inquiry (Amendment) Act, 1971 which came into effect on 30.12.1971, a new set of Rules were framed by the Central Government known as the Commissions of Inquiry (Central) Rules, 1972 (for short, "the Rules of 1972").

73. Rule 5 of the Rules of 1972 stipulates the procedure of inquiry. The said Rule being relevant is reproduced herein under:

"5.Procedure of Inquiry- (1) *A Commission may sit in public or in private as it thinks fit:*

Provided that a Commission shall sit in private on request being made by the Central Government in that behalf.

(2) A Commission shall, as soon as may be after its appointment-

(a) issue a notice to every person, who in its opinion should be given an opportunity of being heard in the inquiry, to furnish to the Commission a statement relating to such matters as may be specified in the notice.

(b) issue a notification, to be published in such manner as it may deem fit, inviting all persons acquainted with the subject matter of the inquiry to furnish to the Commission a statement relating to such matters as may be specified in the notification.

(3) Every statement furnished under clause (a) of sub-rule (2) shall be accompanied by an affidavit in support of the facts set out in the statement sworn by the person furnishing the statement.

(4) Every person furnishing a statement under clause (a) of sub-rule (2) shall also

furnish to the commission along with the statement a list of the documents, if any, on which he proposes to rely and forward to the Commission, wherever practicable the originals or true copies of such of the documents as may be in his possession or control and shall state the names and address of the person from whom the remaining documents may be obtained.

(5) (a) A commission shall examine all the statement furnished to it under clause (b) of sub-rule (2) and of, after such examination, the Commission considers it necessary to record evidence, it shall first record the evidence, if any, produced by the Central Government and may thereafter record evidence in such order as it may deem fit:

(i) the evidence of any person who has furnished a statement under clause (a) of sub-rule (2) and whose evidence the Commission having regard to the statement, considers relevant for the purpose of the inquiry; and

(ii) the evidence of any person whose evidence, in the opinion of the Commission, is relevant to the inquiry:

Provided that the Commission may dispense with the attendance of any person for the purpose of giving evidence before it if in its opinion—

(i) such attendance cannot be enforced except by causing undue hardship or inconvenience to that person; or,

(ii) such attendance should be dispensed with for any other sufficient reason to be recorded by it in writing.

(b) If, after all the evidence is recorded under clause (a) of sub-rule (5), the Central government applies to the Commission to recall any witness already examined or to examine any new witness, the Commission, if satisfied that it is necessary for the proper determination of any relevant fact to do so, shall recall such witness or examine any such new witness.

(6) The Commission may pay the traveling and other expenses to a person who is summoned to assist the Commission at the stage of preliminary investigation or to give evidence or to produce documents before a Commission, as prescribed from time to time by the Central Government.

(7) The Commission shall have the powers of a civil court to make local investigation, either personally or through any person, duly authorised by it into any matters falling within its terms of reference.

(8) A Commission shall have the power to regulate its own procedure in respect of any matter for which no provision is made in these rules."

74. A perusal of the above quoted Rule would show that Rules 2, 3 and 6 of the Rules of 1960 finds place in Rule 5 of the Rules of 1972. In view of Rules 4 and 5 of the Rules of 1960 now being made a part of the Act of 1952 in the form of Sections 8B and 8C of the Act of 1952, there is no reference to the said aspect in the Rules of 1972.

75. This Court further finds it pertinent to take note of that Section 12 of the Act of 1952 empowers the Appropriate Government to make Rules. However, nothing has been placed before this Court during the course of the hearing that the Government of Assam has framed Rules in terms with Section 12 of the Act of 1952. Therefore, in absence of such Rules framed by the State of Assam, the Commission of Inquiry, if appointed by the Government of Assam has to regulate its own procedure. Be that as it may, while regulating its own procedure, the Commission of Inquiry so appointed by the Government of Assam, cannot turn a blind eye to the requirement of

Sections 8B or 8C of the Act of 1952.

76. Now coming back to Section 8B of the Act of 1952, it shows that the said provision applies to a special class of participant(s) in the inquiry proceedings. This Court uses the word “participant” taking into account the observations of the Supreme Court in the case of ***Kehar Singh (supra)***, wherein the Supreme Court observed that there are no parties before the Commission and therefore all persons before the Commission have to be regarded as participants in the Commission of Inquiry.

77. At this stage, this Court also finds it relevant to take note of the observation of His Lordship Y.V. Chandrachud (as His Lordship then was) in his concurring opinion rendered in the case of ***State of Karnataka Vs Union of India & Another*** reported in ***(1977) 4 SCC 608***, wherein His Lordship explained the general scheme of the Act of 1952 as well as the rights of the participants who fall within the ambit of Section 8B of the Act of 1952. His Lordship also observed the difference between a unilateral inquiry conducted by the Police and what type of inquiry is contemplated under the Act of 1952. His Lordship also emphasized that there is no accuser, as well as there is no accused before the Commission of Inquiry. Paragraph Nos. 184 and 185 of the judgment being relevant are reproduced hereinunder:

“**184.** *It is clear from these provisions and the general scheme of the Act that a*

Commission of Inquiry appointed under the Act is a purely fact-finding body which has no power to pronounce a binding or definitive judgment. It has to collect facts through the evidence led before it and on a consideration thereof it is required to submit its report which the appointing authority may or may not accept. There are sensitive matters of public importance which, if left to the normal investigational agencies, can create needless controversies and generate an atmosphere of suspicion. The larger interests of the community require that such matters should be inquired into by high-powered Commissions consisting of persons whose findings can command the confidence of the people. In his address in the Lionel Cohen Lectures, Sir Cyril Salmon speaking on "Tribunals of Inquiry" said:

"In all countries, certainly in those which enjoy freedom of speech and a free Press, moments occur when allegations and rumours circulate causing, a nation-wide crisis of confidence in the integrity of public life or about other matters of vital public importance. No doubt this rarely happens, but when it does it is essential that public confidence should be restored, for without it no democracy can long survive. This confidence can be effectively restored only by thoroughly investigating and probing the rumours and allegations so as to search out and establish the truth. The truth may show that the evil exists, thus enabling it to be rooted out, or that there is no foundation in the rumours and allegations by which the public has been disturbed. In either case, confidence is restored."

A police investigation is, at its very best, a unilateral inquiry into an accusation since the person whose conduct is the subject-matter of inquiry has no right or opportunity to cross-examine the witness whose statements are being recorded by the police. Section 8-C of the Act, on the other hand, confers the right of cross-examination, the right of audience and the right of representation through a legal practitioner on the appropriate Government, on every person referred to in Section 8-B and with the permission, of the Commission, on any other person whose evidence is recorded by the Commission. Clauses (a) and (1) of Section 8-B refer respectively to persons whose conduct the Commission

considers it necessary to inquire into and persons whose reputation, in the opinion of the Commission, is likely to be prejudicially affected by the inquiry. It is undeniable that the person whose conduct is being inquired into and if he be a Chief Minister or a Minister, the doings of the Government itself, are exposed to the fierce light of publicity. But that is a risk which is inherent in every inquiry directed at finding out the truth. It does not, however, justify the specious submission that the inquiry constitutes an interference with the executive functions of the State Government or that it confers on the Central Government the power to control the functions of the State executive. After all, it is in the interest of those against whom open allegations of corruption and nepotism are made that they should have an opportunity of repelling those allegations before a trained and independent Commission of Inquiry which is not hide-bound by the technical rules of evidence. "It is only by establishing the truth that the purity and integrity of public life can be preserved" and that is the object which the Commissions of Inquiry Act seeks to achieve.

185. *In M.V. Rajwade v. Dr S.M. Hassan, it was held by the Nagpur High Court that Section 4 of the Act merely clothes the Commission with certain powers of a civil court but does not confer on it the status of a Court and that the Commission is only fictionally a civil court for the limited purposes enumerated in Section 5(4). The Court observed that there is no accuser, no accused and no specific charges for trial before the Commission, nor is the Government, under the law, required to pronounce one way or the other on the findings of the Commission. In other words:*

"The Commission governed by the Commissions of Inquiry Act, 1952 is appointed by the State Government 'for the information of its own mind' ... It is, therefore, a fact-finding body meant only to instruct the mind of the Government without producing any document of a judicial nature.

These observations were extracted and quoted with approval by this Court in Brajnandan Sinha v. Jyoti Narain."

78. In the backdrop of the above, a reading of Section 8B of the Act

of 1952 and more particularly, its heading refers to persons likely to be prejudicially affected to be heard. A further reading of the said Section would show that persons likely to be prejudicially affected can be either a person whose conduct the Commission of Inquiry considers necessary to inquire into or when the Commission of Inquiry is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry.

79. In the case of ***Kiran Bedi & Others Vs. Committee of Inquiry & Another*** reported in ***(1989) 1 SCC 494***, the Supreme Court observed that the use of the word “or” between Clauses (a) and (b) of Section 8B of the Act of 1952 makes it clear that Section 8B would be attracted if requirement of either Clause (a) or Clause (b) is fulfilled. Clause (a) of Section 8B of the Act of 1952 applies when the conduct of any person is to be enquired into, whereas Clause (b) applies to a case where reputation of a person is likely to be prejudicially affected by the inquiry. The Supreme Court further observed that once it is opined that the conduct of the persons would be examined, that person would automatically come within the ambit of Section 8B of the Act of 1952. Paragraph No. 17 of the said judgment further stipulates the procedure to be followed once the Commission of Inquiry is of the opinion that the conduct of a particular person is going to be inquired into. The said paragraph being relevant is reproduced herein under:

“17. Consequently, we find it unnecessary to consider in any further detail, the submissions made by counsel for the parties on this point. In so far as point (ii) is concerned, it would be seen that the use of the word 'or' between clauses (a) and (b) of Section 8-B of the Act makes it clear that Section 8-B would be attracted if requirement of either clause (a) or clause (b) is fulfilled. Clause (a) of Section 8-B applies when the conduct of any person is to be enquired into whereas clause (b) applies to a case where reputation of a person is likely to be prejudicially affected. As regards the enquiry about the conduct of Smt. Kiran Bedi and Jinder Singh, even the Committee in its interim report specifically stated that the conduct of these two petitioners among others was to be examined. Having once so stated in unequivocal terms, it was not open to the Committee to still take the stand that Section 8-B was not attracted insofar as they were concerned. Recourse to procedure under Section 8-B is not confined to any particular stage and if not earlier, at any rate, as soon as the Committee made the aforesaid unequivocal declaration of its intention in its interim report, it should have issued notice under Section 8-B to the two petitioners, if it was of the view as it seems to be, for which view there is apparently no justification, that issue of a formal notice under Section 8-B was the sine qua non for attracting that Section. At all events, the Committee could not deny the petitioners the statutory protection of Section 8-B by merely refraining from issuing a formal notice even though on its own declared intention the section was clearly attracted.”

80. The Supreme Court further, in the context of Sections 8B and 8C of the Act of 1952 in the case of **Kiran Bedi (supra)** also observed that once the conduct of a person is being inquired into or a person's reputation may prejudicially suffer on account of the inquiry, the person coming within the ambit of Section 8B of the Act of 1952 has to be given an opportunity to adduce evidence in his/her defence, after all the evidence against the person have already been adduced

and the person had been given an opportunity to cross-examine. It appears from the said observations that the concept of Rule 5(5)(a) of the Rules of 1972 had been judicially incorporated within the purview of the procedure to be followed by the Commission. The said observations made by the Supreme Court are relevant more particularly, in the present case, taking into account that the Government of Assam had not made any Rules under Section 12 of the Act of 1952.

81. It is apposite to observe herein that though power had been conferred upon the Commission under Section 8 of the Act of 1952 to formulate its own procedure, but in view of the judicially laid down procedure in ***Kiran Bedi (supra)***, the Commission in absence of the Rules framed under Section 12 of the Act of 1952, has to apply the procedure as conceptualized in Rule 5(5)(a) of the Rules of 1972. In that perspective, this Court finds it pertinent to reproduce paragraph Nos. 26 and 27 of the judgment of the Supreme Court in the case of ***Kiran Bedi (supra)***, wherein the Supreme Court spelled out the order of recording of evidence when a right of a participant under Section 8B of the Act of 1952 is involved. Paragraph Nos. 26 and 27 of the said judgment is reproduced herein under:

“26. In view of the foregoing discussion and the reasons already stated in our order dated August 18, 1988, we are of the view that the two petitioners namely, Smt. Kiran Bedi and Jinder Singh clearly fell within the category of persons contemplated by

Section 8-B of the Act and were consequently entitled to the same treatment as has been accorded by the Committee to the persons to whom notice has been issued by it under the said section. As a consequence, we are further of the opinion that our answer to point (iii) has to be that the Committee was not justified in calling upon the two petitioners to stand in the witness box for cross-examination at the very initial stage of the enquiry. In this connection, it has to be borne in mind that Section 8-B inter alia contemplates an opportunity being given to the person governed by the said section to produce evidence in his defence whereas Section 8-C inter alia gives him the right to cross-examine the witnesses who depose against him. Not only that calling upon a person governed by Section 8-B to produce evidence in his defence at the very inception of the inquiry is a contradiction in terms inasmuch as in this situation such a person would really be required to disprove statements prejudicial to him of such witnesses who are yet to be examined, it would also reduce the right of cross-examination by such person to a mere formality for the obvious reason that by the time the witnesses who are to be cross-examined are produced, the defence of such person which would normally constitute the basis for the line and object of cross-examination would already be known to such witnesses and they are likely to refashion their statements accordingly.

27. *Perhaps in a case where there is no other witness to give information about the alleged incident about which the inquiry is being held and the only person or persons who would give such information is or are the person or persons who are likely to be adversely affected by the inquiry, it may be necessary to depart from the above view as a matter of necessity. But this is not one such case. There are admittedly any number of other persons who can give evidence about what happened on the relevant dates."*

82. Let this Court now analyze the effect of non-compliance to Sections 8B and 8C of the Act of 1952 by the Commission. In this regard, this Court finds it relevant to take note of the judgment of the

Supreme Court in the case of ***State of Bihar Vs. Lal Krishna Advani & Others*** reported in ***(2003) 8 SCC 361***. It is of importance to take note of the facts which led to the proceedings before the Supreme Court. A Commission of Inquiry was appointed by the State of Bihar to inquire into the facts and circumstances leading to the communal disturbances in the district of Bhagalpur and adjacent areas on 24.10.1989 and thereafter. The said Commission of Inquiry consisted of 3 (three) members. There were two reports submitted. One report was submitted by one member and the second report was submitted jointly by two members. There were certain comments in the second report by the two members, which affected the reputation and image of the Respondent in the proceedings before the Supreme Court. A writ proceedings was filed by the Respondent before the Patna High Court, challenging the said report. The Patna High Court interfered with the said report and an appeal thereagainst was filed by the State of Bihar before the Supreme Court. It is under such circumstances, proceeding was before the Supreme Court. One of the contentions taken in the said proceedings was that the report though submitted, the Government actually has not taken any action and as such, the challenge to the said report was not maintainable.

83. The Supreme Court in the case of ***State of Bihar (supra)*** observed that non-compliance to Section 8B of the Act of 1952 renders the action nonest as well as the consequences thereof. The

Supreme Court also opined that remarks made in the Report which may play upon the reputation of a person concerned, the person aggrieved need not wait till a decision is taken by the Government to take action against the person after consideration of the report. Paragraph Nos. 8, 9 and 11 being relevant are reproduced herein under:

“8. It may be noticed that the amendment was brought about, about 20 years after passing of the main Act itself. The experience during the past two decades must have made the Legislature realize that it would but be necessary to notice a person whose conduct the Commission considers it necessary to inquire into during the course of the inquiry or whose reputation is likely to be prejudicially affected by the inquiry. It is further provides that such a person would have a reasonable opportunity of being heard and to adduce evidence in his defence. Thus the principles of natural justice were got inducted in the shape of statutory provision. It is thus incumbent upon the Commission to give an opportunity to a person, before any comment is made or opinion is expressed which is likely to prejudicially affect that person. Needless to emphasise that failure to comply with principles of natural justice renders the action non est as well as the consequences thereof.

9. Shri Dinesh Dwivedi, learned counsel appearing for the appellant submits that since no action has been taken against the Respondent 1 so far, in pursuance of the report of the Inquiry Commission there was no occasion for him to move the Court in the matter. It was not the appropriate stage to raise any grievance by filing a petition challenging certain observations made by the Commission of Inquiry. The petition was thus premature. We feel that it may not be necessary for a person to wait till certain action is initiated by the Government considering the report of the Inquiry Commission where the observations made by the Commission are such which militate against the reputation of a person and particularly without giving any chance to such a person to

explain his conduct. It would be open for him to move the Court for deletion of such remarks made against him violating the provisions of Section 8-B of the Act.

11. We have already observed that had it been only a question of any adverse action being taken against the person against whom some adverse finding has been recorded, the contention of the learned counsel for the appellant may perhaps would have been entertainable. The Government actually takes action or it does not or the fact that the report is yet to be considered from that angle, cannot be a reason to submit that it won't be appropriate stage to approach the Court. There may be occasions where after consideration of the report the government may not decide to take any action against the person concerned yet the observation and remarks may be such which may play upon the reputation of the person concerned and this aspect of the matter has been fully taken care of under clause (b) of Section 8B of the Act. It is not, therefore, necessary that one must wait till a decision is taken by the government to take action against the person after consideration of the report. We have already dealt with the point about the right to have and protect one's reputation. We, therefore, find no force in the submission that the Respondent no.1 had approached the Court at pre-mature stage. No other point has been urged on behalf of the appellant. In our view, the judgment of the High Court calls for no interference."

84. In the backdrop of the above, let this Court consider, as to how, the Commission in the present cases proceeded while conducting the inquiries which led to the submission of the two Reports, i.e., Report, 2013 and Report, 2014.

85. A reading of both the Report, 2013 and Report, 2014 does not show that the Commission either adopted the Rules of 1972 to be followed or at the outset set out the procedure to be followed for conducting the inquiries. Rather, from a perusal of Chapter-I of both

the Report, 2013 and Report, 2014 of the Commission, it reveals that the Commission issued public notice in newspapers calling for responses to the Terms of the Reference. In pursuance thereto, some members of the public responded alleging anomalies and malpractices in the conduct of the Combined Competitive Examination, 2013 and Combined Competitive Examination, 2014. It further appears from the very Report, 2013, more particularly, at page No. 8, that the Government of Assam had also submitted a statement in response, wherein the names of the accused relating to the examination in question and the provisions of law under which they were charged were mentioned without providing any details of their involvement. In other words, the appropriate Government who has appointed the Commission of Inquiry did not provide its statement with material particulars. It further reveals from the Report, 2013 that the Government of Assam in the Home and Political Department as well as the Assam Police through the DGP, after various orders passed by the Commission, furnished their reports revealing purported involvement of some of the successful candidates and staff and members, including the then Chairman of the APSC, in various malpractices and anomalies pertaining to the Combined Competitive Examination, 2013 and Combined Competitive Examination, 2014.

86. At page No. 32 of the Report, 2013 of the Commission pertaining to the Combined Competitive Examination, 2013, the Commission

after procuring the records of the documents/comments/views of the APSC thought prudent that all persons with slightest of involvement in the alleged anomalies and malpractices have to be provided an opportunity of being heard, and accordingly notices were issued to each one of them. In the said notices, the allegation of malpractices and anomalies involving the noticee were highlighted, requiring each one of them to respond to the same in writing. It was also mentioned that the respective noticees should respond to the same by submitting his or her written response. The relevant portion of the report dated 21.03.2022 pertaining to the Combined Competitive Examination, 2013 is reproduced herein under:

“Irrespective of the criminal proceeding and the persons involved herein, the Commission has independently and meticulously perused the materials available on record which include the criminal investigation case records; Forensic Science Laboratory reports; the Answer Scripts of the Mains Examinations and other relevant documents which are already available with the Special Court, Assam Guwahati in which the criminal trial against the charge-sheeted persons allegedly involved in anomalies and malpractices in conduct of CCE 2013 and 2014 is going on. Additionally, the Commission has also procured records of the documents / comments / views of the APSC. Maintaining the judicial discipline of **Audi alterem partem**, all the persons with slightest of involvement in the alleged anomalies and malpractices have been provided with the opportunity of being heard by issuing notice to each one of them. In the notice, the allegation of malpractices and anomalies allegedly involving the noticee were highlighted requiring each one of them to respond the same in writing. Pursuant to such notice, the respective noticee responded to the same by submitting his/her

written response.”

87. The above quoted paragraph in the Report, 2013 pertaining to the Combined Competitive Examination, 2013 is in verbatim found at page No. 19 of the Report, 2014 in respect to the Combined Competitive Examination, 2014.

88. This Court also finds it relevant to take note of the order of the Commission in the Report, 2013 which preceded the notices issued to each of the petitioners. The said order is dated 09.08.2021 insofar as Combined Competitive Examination, 2013 is concerned, and the same being relevant is reproduced herein under:

“MR. JUSTICE B.K. SHARMA

COMMISSION OF INQUIRY RELATING TO AFFAIRS OF APSC

HEDAYETPUR MAGISTRATE COLONY, 1ST FLOOR HOUSE NO.4, GUWAHATI-781003

ORDER

09/08/2021

Upon further scrutiny of Answer Scripts and related documents including the FSL reports, further anomalies pertaining to CCE-2013 have been detected. Accordingly, the concerned candidates in whose answer scripts, anomalies have been found, be informed of the same by way of notice asking for their written response to the same. They may, however be provided with an opportunity to examine/inspect all the related documents based on which the anomalies have been found.

Justice B.K. Sharma

Former Judge

Chairman of the Commission”

89. Insofar as the Report, 2014 is concerned, the notices which were

issued were preceded by the order dated 13.07.2022 and the same is reproduced herein under:

“OFFICE OF THE
HON’BLE MR. JUSTICE B.K. SHARMA INQUIRY COMMISSION
RELATING TO AFFAIRS OF APSC (CCE-2014)

HEDAYETPUR, MAGISTRATE COLONY, 1ST FLOOR, HOUSE NO. 4, GUWAHATI-781003

ORDER

13/07/2022

Enquiry so far made has revealed certain anomalies and malpractices allegedly committed by Shri Rakesh Kumar Paul, the then Chairman; Shri A. Nanda Babu Singh, the then Principal Controller of Examinations; Shri Pabitra Kaibarta, the then Assistant Controller of Examination and also some candidates allegedly beneficiaries of such anomalies and malpractices with their active involvement/ participation in conduct of the Combined Competitive Examination (CCE 2014). Anomalies and malpractices allegedly committed by each one of them be communicated to them individually by way of notice as drafted seeking their respective response to the same.

Let the notice be issued immediately with the time limit of 15 (fifteen) days for written response, if any. The notice shall specify that upon failure to respond, further process will take its own course.

The Secretary to the Commission is authorized to issue the respective notices as appended hereto. She will also keep on record the details of the particulars of issuance of notice(s).

Justice B.K. Sharma
Former Judge
Chairman of the Commission”

90. A perusal of the orders quoted herein above, would show that the Commission was considering to inquire into the conduct of the Petitioners inasmuch as the Commission was of the opinion that the inquiries if made would affect the reputation of the Petitioners. However, it appears that the Commission completely lost sight of the provision of Section 8B of the Act of 1952. The said aspect is apparent from the above quoted observations of the Commission in its Report, 2013 at Page No. 32 where the Commission observed that “Maintaining judicial discipline of *Audi alterem partem*, all the persons with the slightest involvement in the alleged anomalies and malpractices have been provided with the opportunity of being heard by issuing notice to each one of them”. The orders dated 09.08.2021 and 13.07.2022 as quoted herein above also reflects that the Commission did not consider the provision of Section 8B of the Act of 1952 or for that matter the special status that a participant coming within the purview of Section 8B of the Act of 1952. There is not a single whisper in the orders dated 09.08.2021 and 13.07.2022 as quoted herein above that as the Commission of Inquiry was considering to inquire into the conduct of any person, or was of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry, and under such circumstances, notices were issued.

91. At this stage, this Court finds it relevant to take note of the

notice which was issued to the Petitioner in WP(C) No. 5862/2024. The said notice was issued on 13.08.2021 and the contents of the said notice are reproduced herein under:

“MR. JUSTICE B.K. SHARMA
COMMISSION OF INQUIRY RELATING TO AFFAIRS OF APSC
HEDAYETPUR, MAGISTRATE COLONY, 1ST FLOOR, HOUSE NO. 4
GUWAHATI-781003

NOTICE

To,

*Smt. Priyanka Deka, Inspector of Tax,
Guwahati, Unit-B
W/o- Shri Bikash Talukdar
Resident of
House No. 12, 1st Floor (Left)
Gandhi Basti, Opposite Kali Mandir
B/Lane 4(A),
PS Chandmari,
Dist. Kamrup Metro, Guwahati*

WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/102/ECF-72687 dated 8th July, 2019 issued under the Signature of the Additional Chief Secretary, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to enquire, inter-alia into ***(i) the allegations of anomalies and malpractices in conduct of Civil Service Preliminary and Main Examinations by the Assam Public Service Commission (APSC) the results of which was declared on 12th May, 2015 and (ii) the entire process of Selection of the Candidates and role of Chairman and the Members of Assam Public Service Examination.***

AND WHEREAS, your Answer Scripts for the CCE (Mains)- 2013 conducted by Assam Public Service Commission were seized by the concerned Investigating Officer of Dibrugarh Police Station case no. 936/2016 on 21-11-2016 from the record room of examination (confidential) section of APSC, Jawahar Nagar, Khanapara, Guwahati vide MR No. 349/2016.

AND WHEREAS, during the course of the Inquiry, the following malpractices and anomalies are prima facie found against you, as revealed from the case records of Dibrugarh Police Station case no. 936/2016 (Special case No. 02/2017).

1. As per the FSL report, there are marks of alteration in your answer script "**Law-I**" Code No. 69 Book No. 1306709 by the process of overwriting over the original mark scored by you in said paper which is 94. The enhanced mark, which is **114**, is also reflected in the Final Tabulation Sheet of marks in CCE-2013 against your said answer script "**Law-I**" Code No. 69 Book No. 1306709. Apart from such alteration/enhancement of total mark from **94** to **114**, there are also alterations/enhancement of individual marks against answers to questions. The details of the alterations are as follows:

Book number	Question Number	Original Score	Altered to
1306709	Question No. 8	3	13
	Question No. 10	13	18

As per report of the FSL, the handwriting of enhancement/alteration of the marks in your answer script "**Law-I**" is of Shri Rakesh Kumar Paul, the then Chairman of Assam Public Service Commission.

2. As per the FSL report, there are marks of alteration in your answer script "**Law-II**" Code No. 69 Book No. 1307085 by the process of overwriting over the original mark scored by you in said paper which is **62**. The enhanced mark, which is **102**, is also reflected in the Final Tabulation Sheet of marks in CCE-2013 against your said answer script "**Law-II**" Code No. 69 Book No. 1306709. Apart from such alteration/enhancement of total mark from **62** to **102**, there are also alterations/enhancement of individual marks against answers to questions. The details of the alterations are as follows:

Book number	Question Number	Original Score	Altered to
1307085	Question No. 1	7	17
	Question No. 5	5	15
	Question No. 7	10	20
	Question No. 11	6	16

As per report of the FSL, the handwriting of enhancement/alteration of the marks in your answer script "**Law-II**" is of Shri Rakesh Kumar Paul, the then Chairman of Assam Public Service Commission.

3. As per the FSL report, there are marks of alteration in your answer script "**Sociology-I**" Code No. 412 Book No. 1308007 by the process of overwriting over the original mark scored by you in said paper which is **93**. The enhanced mark, which is **123**, is also reflected in the Final Tabulation Sheet of marks in CCE-2013 against your said answer script "**Sociology-I**" Code No. 412 Book No. 1308007. Apart from such alteration/enhancement of total mark from **93** to **123**, there are also alterations/enhancement of individual marks against answers to questions. The details of the alterations are as follows:

Book Number	Question Number	Original Score	Altered to

1308007	Question No.	12	22
	1		
	Question No.	10	20
	8		
	Question No.	3	5
	10(a)		
	Question No.	3	5
	10(b)		

*As per report of the FSL, the handwriting of enhancement/alteration of the marks in your answer script "**Sociology-I**" is of Shri Rakesh Kumar Paul, the then Chairman of Assam Public Service Commission.*

AND WHEREAS, in the above background facts and circumstances, prima facie question necessarily arises as to how such huge anomalies and malpractices could happen without your active connivance.

NOW THEREFORE, you are called upon to respond to the above anomalies by way of a written statement. If you are desirous of seeing the particular Answer scripts, FSL report and the Final Tabulation Sheet showing the apparent variations, you may do so by visiting the office of the Commission during office hours.

Your written response should reach the office of the Commission indicated above on or before **25th August 2021** failing which it will be presumed that you have got nothing to say in respect of the aforesaid discrepancy/anomaly.

This notice is issued on this 13th day of August, 2021 as per order

and authority vested on me by the Hon'ble Commission.

(Sharmistha Borah, ACS)

Secretary to Hon'ble Mr. Justice B.K. Sharma

Inquiry Commission & ADC Kamrup (M)

Guwahati-03"

92. A perusal of the above quoted notice would show that the Petitioner was informed that during the course of inquiry, malpractices and anomalies were prima facie found against the Petitioner, as was revealed from the case records of the criminal case of Dibrugarh Police Station No. 936/2016 (Special Case No. 02/2017) in respect to 3 papers, i.e. Law-I, Law- II and Sociology-I, wherein there were alteration/enhancement of the individual marks against the answers to the questions. It was also mentioned that as per the FSL report, the enhancement/alteration of the marks were in the handwriting of Sri Rakesh Kumar Paul, the then Chairman of the APSC. It is under such circumstances, the Petitioner was called upon to respond to the above anomalies by way of a written statement. The Petitioner was also given an opportunity to inspect the particular answer scripts, FSL report, and the final Tabulation Sheet showing the apparent variations by visiting the office of the Commission during the office hours. It was also mentioned that the Petitioner's written response should reach the office of the Commission on or before 25.08.2021, failing which, it

shall be presumed that the Petitioner had nothing to say in respect to the aforesaid discrepancy or anomaly.

93. Now the question arises, as to whether, notice issued to the Petitioner, can be said to be a notice under Section 8B of the Act of 1952 inasmuch as the contents of the said notice appears to be somewhat similar to a notice under Rule 5(2)(a) of the Rules of 1972. It is very pertinent to mention that a notice which is issued to a person under Rule 5(2)(a) of the Rules of 1972 does not have a right of adducing evidence except upon being permitted by the Commission, whereas a person who comes within the ambit of Section 8B of the Act of 1952 is statutorily conferred the right to adduce evidence in defence. It is also pertinent to take note of the fact that a perusal of both the Report, 2013 as well as Report, 2014 would show that the interaction between the Commission and the Petitioners ended upon receipt of the written response from the Petitioners and thereupon, the Commission proceeded with the inquiries taking on record various evidence without informing the Petitioners.

94. The above analysis would therefore show that the Commission while holding the inquiries either failed to take notice of the provisions of Sections 8B and 8C of the Act of 1952 or had given a clear go by to the said provision. The reason for stating so would be apparent from

a perusal of the observations made by the Commission qua the Petitioner in WP(C) No. 5862/2024 at page No. 375 to page No. 381 wherein on one hand the Commission not only enquired into the conduct of the Petitioner in WP(C) No. 5862/2024 and commented on the same to the effect that the Petitioner was involved in such manipulations thereby touching on her reputation, but on the other hand, the Commission failed to take note of that such an inquiry into the conduct, which resulted in prejudicial comments touching the reputation of the Petitioners, could only have been done by recognizing the statutory rights of the Petitioners under Sections 8B and 8C of the Act of 1952.

Further to that, at Chapter-XI of the Report, 2013 anomalies and malpractices as against the Petitioner in WP(C) No. 5862/2024 was mentioned with remarks "Illegal enhancement of marks in answer scripts of **Law Paper-I**, **Law Paper-II** and **Sociology Paper-I**".

95. This Court further takes note of that in the case of the other Petitioners also the Commission had enquired into their conduct and made observations, recommendations and findings pertaining to the anomalies and malpractices committed by them which touched upon the reputation of the Petitioners in the batch of writ petitions. This aspect is apparent from a perusal of Chapter-XI of the Report, 2013 as well as Chapter-X of the Report, 2014.

96. While discussing the aforesaid aspect, this Court finds it relevant to take note of the judgment of the Supreme Court in the case of ***Sanjay Gupta & Others Vs. State of Uttar Pradesh & Others*** reported in ***(2015) 5 SCC 283***. The reference to the said judgment is for the reason that in the said case before the Supreme Court, it was contended that the persons whose conduct were being inquired into and whose reputation was prejudicially affected were provided their rights under Sections 8B and 8C of the Act of 1952. It was contended in the said case that notices were issued asking the persons to submit their responses and asking them to appear before the Commission and ensure the recording of their statements. It was alleged that the said notices could be said to be notices under Section 4(a) of the Act of 1952 and they were not therefore granted the statutory safeguards provided by Sections 8B and 8C of the Act of 1952. The Supreme Court at paragraph Nos. 7, 8, 9, 10 and 11 observed as herein under:

“7. It is submitted by Mr Shanti Bhushan, learned Senior Counsel, that no opportunity was given to Respondents 10 to 12 to cross-examine the witnesses though they are directly affected by the said inquiry and the findings recorded by the Commission. It is canvassed by him that the notice that was sent to the said respondents is basically under Section 4(a) of the Act. To bolster his submission he has drawn our attention to the notices that have been sent by the Commission.

8. We may fruitfully refer to one of the notices sent by the Commission to one of the organisers, namely, Lakhan Tomar, Respondent 10. The said notice reads as follows:

“Shri Lakhan Tomar (in jail),

Organiser, Consumer Show,

Victoria Park,

Meerut,

via

Superintendent, District Jail, Meerut,

Meerut

On 10th of April, a sad incident of massive fire occurred in the 3 pandals of the Brand Consumer Show at Victoria Park, Civil Lines area of police station, District Meerut. In order to ascertain the reasons, circumstances and fixing of responsibilities, the Government of Uttar Pradesh issued Notification bearing No. 2155p/Chh.p-3-2006-12(51)p/2006 dated 2-6-2006 appointing a one-member Enquiry Commission under the Commission of Inquiry Act, 1952 (Government Order No. 60 of 1952) and the said Commission is in progress. The Commission is enquiring into the following issues:

- 1. To find out the circumstances and causes on account of which the aforesaid accident occurred.*
- 2. To recommend ways and means to keep up such incidents in check in future.*
- 3. In respect of the aforesaid occurrence, determination of liability and fixing the same.*
- 4. Measures to be adopted to prevent such occurrences in future.*

Your presence is mandatorily required for the said enquiry. You are hereby directed to appear before the Commission on 27-9-2006 at 10.30 a.m. and ensure the recording of your statement. You are also required to present before the Commission all the documents, correspondence, Acts, Rules, government orders, departmental orders, if any, related to the circumstances of the incident.

You are also informed that the above notice is issued under the provisions of the Commission of Enquiry Act, 1952 (Government Order No. 60 of 1952) and the compliance with which is necessary, mandatory and binding.”

9. *Similar notices were sent to the other organisers. On a perusal of the said notice, it is limpid that the said notice is in the nature of notice requiring him to appear. It has to be construed as a notice under Section 4(a) of the Act. That apart, on a scrutiny of the list of witnesses who were examined by the Commission, we find that Respondents 10 to 12 were summoned almost after examination of 45 witnesses and the Respondent organisers were not afforded opportunity of cross-examination. The Commission, on the basis of the evidence and taking recourse to certain violation of statutory provisions, has submitted the report.*

10. *In State of Bihar v. Lal Krishna Advani [(2003) 8 SCC 361] while interpreting Section 8-B of the Act which has been brought into the statute by amending Act 79 of 1971, the Court has opined thus : (SCC p. 367, para 8)*

“8. It may be noticed that the amendment was brought about, about 20 years after passing of the main Act itself. The experience during the past two decades must have made the legislature realise that it would but be necessary to notice a person whose conduct the Commission considers necessary to inquire into during the course of the inquiry or whose reputation is likely to be prejudicially affected by the inquiry. It is further provided that such a person would have a reasonable opportunity of being heard and to adduce evidence in his defence. Thus the principles of natural justice were got inducted in the shape of a statutory provision. It is thus incumbent upon the Commission to give an opportunity to a person, before any comment is made or opinion is expressed which is likely to prejudicially affect that person. Needless to emphasise that failure to comply with the principles of natural justice renders the action non est as well as the consequences thereof.”

11. *In view of the aforesaid enunciation of law, it is difficult to sustain the report. We*

are obliged to state here that in course of hearing, we had asked the learned counsel for the parties that in case the report of the Commission would be set aside, the Commission has to proceed after following the provisions of the Act. The said position was acceded to. On a further suggestion being made, the learned counsel for the parties had fairly agreed for appointment of another retired Judge as Commission. The learned counsel for the parties had suggested certain names in sealed covers but there was no commonality. Regard being had to the gravity of the situation and the magnitude of the tragedy, on due deliberation we appoint Justice S.B. Sinha, formerly a Judge of this Court, as the one-man Commission. It is agreed by the learned counsel for the parties that the witnesses, who were examined by the previous Commission and not cross-examined by Respondents 10 to 12, their depositions shall be treated as examination-in-chief and they shall be made available for cross-examination by the Respondent. It has also been conceded that the documents which have been marked as exhibits, unless there is a cavil over the same, they shall be treated as exhibited documents."

97. It is the opinion of this Court that in the instant cases, the notices which were issued to the Petitioners one of which is quoted herein above, can be said at best to be notices issued in terms with Rule 5(2)(a) of the Rules of 1972 and not by any stretch of imagination notices under Section 8B of the Act of 1952.

98. This Court also finds it relevant to observe that even assuming for argument's sake, that the notice which was issued on 13.08.2021 to the Petitioner in WP(C) No. 5862/2024 or similar notices issued to the other Petitioners can be held to be information given to the Petitioners that their conduct were being inquired into, then also the Report, 2013 so submitted in respect to the Combined Competitive

Examination, 2013 and the Report, 2014 in connection with the Combined Competitive Examination, 2014 are in violation to the mandate of Sections 8B and 8C of the Act of 1952, inasmuch as it was an obligatory duty upon the Commission to inform the Petitioners as to when evidence of the other participants would be taken and when the Petitioners would be permitted to adduce defence evidence. It was also obligatory duty cast upon the Commission to inform the Petitioners that they can participate in the said proceedings before the Commission and also engage a legal practitioner.

99. In the instant case, it would be seen that after submission of the written responses, the Commission of Inquiry did not find it necessary to inform the Petitioners that what evidence were being taken into consideration and when the Petitioners would be permitted to adduce defence evidence. On this count also, the Report, 2013 and Report, 2014 of the Commission violates the rights of the Petitioners under Sections 8B and 8C of the Act of 1952.

100. The Report, 2013 and Report, 2014 clearly show that the conduct of each of the Petitioners were inquired into, and the observations, findings and recommendations so made in the Report, 2013 and Report, 2014 touched upon the reputation of each of the Petitioners prejudicially. The Supreme Court in the case of **Kiran Bedi (supra)** held that if either Clause (a) or (b) of Section 8B of the Act of

1952 was attracted, the participant to the said inquiry proceedings becomes a participant enjoying special privileges as mandated under Sections 8B and 8C of the Act of 1952. In the instant cases, the Petitioners though came within the purview of both the Clauses of Section 8B of the Act of 1952 but the Commission deprived all the Petitioners their rights under Sections 8B and 8C of the Act of 1952.

101. It is therefore the opinion of this Court that insofar as the first point for determination is concerned, the Report, 2013 in connection with the Competitive Examination, 2013, as well as the Report, 2014 pertaining to the Combined Competitive Examination, 2014 are in flagrant violation to the rights of the Petitioners under Sections 8B and 8C of the Act of 1952.

102. Let this Court now deal with the second point for determination, i.e., what is/are the effect of the violation of Section 8B and Section 8C on the Report, 2013 and Report, 2014?

103. The Report, 2013 and Report, 2014 as opined above are in violation of the rights of the Petitioners under Section 8B and Section 8C of the Act of 1952. In the Judgments of the Supreme Court in ***Kiran Bedi (supra)***, ***State of Bihar (supra)*** and ***Sanjay Gupta (supra)*** the Supreme Court had held that the impugned Reports therein were required to be set aside as the Reports violated Section 8B and Section 8C of the Act of 1952. However, it is be borne in mind that the

Reports under challenge therein specifically dealt with the reputation of the persons. However, in the instant cases, it would be seen that the Report, 2013 and Report, 2014 dealt with a hosts of questions which were referred in the Terms of Reference as already quoted hereinabove. The Report, 2013 and Report, 2014 not only dealt with the question of the anomalies and malpractices in the Combined Competitive Examinations of 2013 and 2014, but also dealt with what remedial steps which were required to be followed in the future so that similar anomalies and malpractices are not repeated. These remedial suggestions touch on the question of public importance which in the opinion of this Court may aid the Government of Assam to retrospect and introspect and take appropriate policy and decision as deemed fit.

104. This Court further in exercise of judicial review cannot sit over as an Appellate Forum to the fact-finding reports of the Commission. However, in the circumstances, there is a violation to the statutory prescription as well as the fundamental and the constitutional rights, this Court in exercise of the powers of judicial review can set the wrong, right.

105. At this stage, this Court finds it relevant to take note of the judgment of the Supreme Court in the case of ***Goa Foundation Vs. Union of India & Others*** reported in **(2014) 6 SCC 590** wherein the

Supreme Court, irrespective of holding that the report of the Justice Shah Commission, was in violation to Sections 8B and 8C of the Act of 1952 did not quash the said report, rather held that the report shall not be applied against the mining lessees. Paragraph No. 14 of the said judgment, being relevant, is reproduced herein under:

“14. We find that Section 8-B of the Commissions of Inquiry Act, 1952 provides that if a person is likely to be prejudicially affected by the inquiry, the Commission shall give to that person a reasonable opportunity of being heard and to produce evidence in his defence and Section 8-C of the Commissions of Inquiry Act, 1952 provides that every such person will have a right to cross-examine and the right to be represented by a legal practitioner before the Commission. As the State Government of Goa has taken a stand before us that no action will be taken against the mining lessees only on the basis of the findings in the Report of the Justice Shah Commission without making its own assessment of facts and without first giving the mining lessees the opportunity of hearing and the opportunity to produce evidence in their defence, we are not inclined to quash the Report of the Justice Shah Commission on the ground that the provisions of Sections 8-B and 8-C of the Commissions of Inquiry Act, 1952 and the principles of natural justice have not been complied with. At the same time, we cannot also direct prosecution of the mining lessees on the basis of the findings in the Report of the Justice Shah Commission, if they have not been given the opportunity of being heard and to produce evidence in their defence and not allowed the right to cross-examine and the right to be represented by a legal practitioner before the Commission as provided in Sections 8-B and 8-C respectively of the Commissions of Inquiry Act, 1952. We will, however, examine the legal and environmental issues raised in the Report of the Justice Shah Commission and on the basis of our findings on these issues consider granting the reliefs prayed for in the writ petition filed by Goa Foundation and the reliefs prayed for in the writ petitions filed by the mining lessees, which have been transferred to this Court.”

106. In view of the above principles laid down in the judgment of the Supreme Court in ***Goa Foundation (supra)***, this Court is of the opinion that in the facts and circumstances, the Report, 2013 and Report, 2014 need not be set aside. Rather, if directions are passed that the Report, 2013 and Report, 2014 shall not be applied against the Petitioners, the interest of justice would be served.

107. In view of the above analysis, this Court opines in respect to the Point for Determination No. (i) as herein under:

(A) The Commission had violated the rights of the Petitioners under Section 8B and Section 8C of the Act of 1952 while making the inquiries in respect to the Combined Competitive Examination, 2013 and Combined Competitive Examination, 2014 and thus the Report, 2013 and Report, 2014 are in violation to the mandatory provisions of Section 8B and Section 8C of the Act of 1952.

(B) The Report, 2013 and Report, 2014 cannot be used against the Petitioners to initiate any disciplinary proceedings against the Petitioners or any prosecution against the Petitioners. All findings observations and/or recommendations so made by the Commission in the Report, 2013 and Report, 2014 touching upon the conduct and reputation of the Petitioners prejudicially cannot be used against the Petitioners in any Forum and are rendered

nonest as it violates Section 8B and Section 8C of the Act of 1952.

(C) The Report, 2013 and Report, 2014, subject to the observations made in Clause (B) hereinabove, are not set aside and quashed. The Report, 2013 and Report, 2014 contains various fact-finding details touching on matters of public importance and such findings, observations and recommendations may aid the Government of Assam to retrospect and as well as introspect and to take any policy decision for the future.

SECOND POINT FOR DETERMINATION.

108. The second point for determination is dependent upon the fall out of the first point for determination. This Court while deciding the point for determination No.(i) observed and opined that the Report, 2013 and Report, 2014 violated the rights of the Petitioners under Section 8B and Section 8C of the Act of 1952. This Court also observed that all findings, observations and recommendations made in the Report, 2013 and Report, 2014 touching upon the conduct and reputation of the Petitioners prejudicially cannot be used against the Petitioners including initiating any Disciplinary Proceedings. Under such circumstances, the question arises as to whether the Disciplinary Proceedings against the Petitioners can be allowed to continue in the

present form.

109. It was contended by the learned Senior Counsels appearing for the Petitioners that the Disciplinary Proceedings have been initiated solely on the basis of the Report, 2013 and Report, 2014 submitted by the Commission pertaining to the Combined Competitive Examination, 2013 and Combined Competitive Examination, 2014.

110. Per contra, Mr. N. Kohli, the learned Senior Counsel appearing on behalf of the State of Assam submitted that the initiation of the Disciplinary Proceedings are not solely on the basis of the Report, 2013 and Report, 2014 of the Commission pertaining to Combined Competitive Examination, 2013 and Combined Competitive Examination, 2014, but is based upon other materials. The learned Senior Counsel for the State of Assam submitted that *de hors* the Report, 2013 and Report, 2014, if materials come to light that appointments were made in violation of the laws and procedures to be followed, the State being the Employer and keeping in mind the constitutional goals of Public Accountability can very well initiate disciplinary and/or any other proceedings as envisaged under law. In that regard reference was made to the Charge Sheet in the criminal cases against the Petitioners which is part of the records.

111. This Court at this stage finds it pertinent to take note of the fact that upon the Report, 2013 and Report, 2014 being submitted, there

is a file noting bearing No. PLA-125/2022-2023 by the Chief Minister of Assam wherein it was mentioned that although criminal investigation is going on, Disciplinary Proceedings may be instituted against all officers identified by the Commission as having resorted to malpractices during the selection in Combined Competitive Examination, 2013 or Combined Competitive Examination, 2014. It was also mentioned that the said Disciplinary Proceedings should be initiated and completed within a period of 6 (six) months by appointing special officers to complete the Disciplinary Proceedings. In addition to that, it was also mentioned that during the pendency of the Disciplinary Proceedings, the officers who have been identified to have indulged in blatant misconduct may also be placed under suspension. An action taken report in that regard was also directed to be submitted within 7 (seven) days.

112. On the basis of the said file noting, it appears that the Chief Secretary, Assam, issued directions to initiate actions on 22.11.2023. This aspect has been brought on record by filing an additional affidavit on 31.07.2025 by the Petitioner in WP(C) No. 5862/2024.

113. The records further reveal that the Petitioner in WP(C) No. 5862/2024, along with all other Petitioners, has been issued Show Cause Notices and Statement of the Allegations along with the list of Documents. The contents of the Show Cause Notices and the

Statement of the Allegations in the case of all the Petitioners are similar except with the respective variations. This Court finds it relevant to reproduce the Show Cause Notice and the Statement of the Allegations served upon the Petitioner in WP(C) No. 5862/2024.

**"GOVERNMENT OF ASSAM
FINANCE (TAXATION) DEPARTMENT
JANATA BHAWAN, DISPUR, GUWAHATI-6**

eCF No.410590/39

Dated Dispur, the 30th November, 2023

*From: Shri Jitu Doley, IRS,
Additional Secretary to the Govt. of Assam.*

*To: Smti. Priyanka Deka, Inspector of Taxes,
Office of the Superintendent of Taxes,
Kokrajhar Unit.*

Sub: Show cause.

You are hereby required to show cause under Rule 9 of the Assam Services (Discipline and Appeal) Rules, 1964 read with Article 311 of the Constitution of India why any of the penalties prescribed in Rule 7 of the aforesaid rules, should not be inflicted on you on the following charge based on the Statement of Allegations attached herewith.

That it has been reported by the One-man Commission of Justice (Retd.) B. K. Sharma about anomalies and malpractices resorted to for the selection of candidates with money and other extraneous consideration by the Assam Public Service Commission headed by the then Chairman Shri Rakesh Kumar Paul while conducting the Combined Competitive Examination, 2013.

That you are a beneficiary of the anomalies and malpractices carried out by the APSC.

That you got recommendation by the APSC for appointment by enhancement of your originally scored marks in the Final Tabulation Sheet based on which the final results were declared.

Hence, your recruitment to the Government service on the basis of the recommendation of the APSC is illegal and you secured for yourself a job for which you had not qualified, by using illegal means.

You are therefore charged with gross misconduct and getting into the Government service using illegal means and hence not fit for Government service.

You should submit your written statement in defense within 10 (ten) days from the date of receipt of this communication, provided you do not intend to inspect the documents which have relevance with the issues under enquiry. In case you intend to inspect those documents, you should write to the undersigned for the same within seven days from the date of receipt of this communication and submit your explanation thereafter within ten days from the date of completion of the inspection.

Your written statement stating whether you desire to be heard in person should be submitted to the undersigned within the period specified above.

List of documents and witnesses proposed to be relied upon for proving these charges and allegations are also enclosed.

If the disciplinary authority decides to appoint an Inquiry Officer to inquire into the charges, you will be allowed to present your case, if you so desire, with the assistance of any other Govt. servant approved by the disciplinary authority but will not be allowed to engage a legal practitioner for the purpose unless the person nominated by the Disciplinary Authority, to present the case in support of the charges before the inquiring authority is a legal practitioner or unless the disciplinary authority, so permits.

By order and in the name of the Governor of Assam

Signed by Jitu Doley

Date: 30-11-2023 18:19:44

Reason: Approved

Additional Secretary to the Govt. of Assam

Finance (Taxation) Department"

"Statement of Allegation

It has been reported by the One-man Commission of Justice (Retd.) B. K. Sharma about anomalies and malpractices resorted to for the selection of candidates with money and other extraneous consideration by the Assam Public Service Commission headed by the then Chairman Shri Rakesh Kumar Paul while conducting the Combined Competitive Examination, 2013.

Smti. Priyanka Deka is a beneficiary of the anomalies and malpractices carried out by the APSC.

She got recommendation by the APSC for appointment by enhancement of her originally scored marks in the Final Tabulation Sheet based on which the final results were declared.

Hence, the recruitment of Smti. Priyanka Deka to the Government service on the basis of the recommendation of the APSC is illegal and she secured for herself a job for which she had not qualified, by using illegal means.

Smti. Priyanka Deka is therefore charged with gross misconduct and getting into the Government service using illegal means and hence not fit for Government service.

*By order and in the name of the Governor of
Assam*

Signed by Jitu Doley

Date: 30-11-2023 18:18:19

Reason: Approved

Additional Secretary to the Govt. of Assam

Finance (Taxation) Department"

114. From a perusal of the file noting referred hereinabove, the Show Cause Notice, the Statement of the Allegations quoted hereinabove and the List of Documents, it reveals that steps were taken to initiate disciplinary action against the petitioners pursuant to the Report, 2013 and Report, 2014 were submitted. It is however relevant to mention at this stage that prior to approaching this Court by the Petitioners in the present batch of writ petitions, the Petitioners have already submitted their Statement of Defence and thereupon Enquiry Officers have been appointed in terms with Rule 9 of the Assam Services (Discipline and Appeal) Rules, 1964 (for short, "the Rules of 1964"). It is also relevant to mention that in the meantime, the Charge sheet have also been submitted before the learned Criminal Court wherein the Petitioners have been arrayed as Accused. The Trial in respect to the criminal proceedings has also started as informed at the Bar by the learned counsels for the parties.

115. This Court while deciding the point for determination No. (i), categorically opined that the Report, 2013 and Report, 2014 cannot be used to initiate Disciplinary proceedings or any prosecution against the Petitioners. Under such circumstances, the Disciplinary

proceedings so initiated against the Petitioners cannot be allowed to continue if they are solely based upon the Report, 2013 and Report, 2014. However, *de hors* the Report, 2013 and Report, 2014, if the Disciplinary proceedings can be continued, the scope of judicial review becomes limited.

116. It is the case of the State of Assam that *de hors* the Report, 2013 and Report, 2014, the Disciplinary proceedings can be continued on the basis of various materials available with the State which would show that the Petitioners indulged in activities in concert and collusion with APSC officials and secured their jobs.

117. At this stage, this Court finds it relevant to deal with the submission of Mr. K.N. Choudhury, the learned Senior Counsel for some of the Petitioners who submitted that when two or more factors prevail upon the Authority to initiate a disciplinary proceedings and if one factor is removed from consideration, the disciplinary proceedings cannot be allowed to be continued inasmuch as it would be difficult to ascertain which factor prevailed more while arriving at the subjective satisfaction for initiating the Disciplinary proceedings.

118. The answer to the said contention lies on the aspect as to whether the doctrine of severability can be applied to the facts of the instant cases. In other words, whether the factors which prevailed upon the Competent Authority to initiate the Disciplinary Proceedings

can withstand such action in absence of each other.

119. This Court finds it relevant at this stage to take note of the Judgment of the Supreme Court in the case of ***State of Maharashtra Vs. Babulal Kriparam Takkan Ore & Others*** reported in ***1967 SCC Online SC 96*** wherein the Supreme Court was considering whether the order dated 29.09.1965 read with the notice dated 21.07.1965 which was based upon two grounds, of which upon finding that one of such ground did not exist and was irrelevant, whether the High Court was justified in setting aside the said order dated 29.09.1965. The Supreme Court at Paragraph Nos. 15 and 16 analyzed the said issue and observed that when an order is based upon several grounds and some are found to be non-existent or irrelevant, the test to be applied is whether upon exclusion of the non-existent or irrelevant ground(s), the ultimate decision can be sustained on the basis of the remaining grounds. Paragraph Nos. 15 and 16 of the said judgment being relevant are quoted hereinbelow:

“15. Mr Bobde contended that the opinion of the State Government was based on two grounds and as one of them is found to be non-existent or irrelevant, the order is invalid and should be set aside. The cases relied on by him may be briefly noticed. In a number of cases, the court has quashed orders of preventive detention based on several grounds one of which is found to be irrelevant or illusory. After reviewing the earlier cases, Jagannadhadas, J., in Dwarka Dass Bhatia v. State of J&K, said:

“The principle underlying all these decisions is this. Where power is vested in a

statutory authority to deprive the liberty of a subject on its subjective satisfaction with reference to specified matters, if that satisfaction is stated to be based on a number of grounds or for a variety of reasons, all taken together, and if some out of them are found to be non-existent or irrelevant, the very exercise of that power is bad. This is so because the matter being one for subjective satisfaction, it must be properly based on all the reasons on which it purports to be based. If some out of them are found to be non-existent or irrelevant, the court cannot predicate what the subjective satisfaction of the said authority would have been on the exclusion of those grounds or reasons. To uphold the validity of such an order in spite of the invalidity of some of the reasons or grounds would be to substitute the objective standards of the court for the subjective satisfaction of the statutory authority. In applying these principles, however, the court must be satisfied that the vague or irrelevant grounds are such as, if excluded, might reasonably have affected the subjective satisfaction the appropriate authority. It is not merely because some ground or reason of a comparatively unessential nature is defective that such an order based on subjective satisfaction can be held to be invalid. The court while anxious to safeguard the personal liberty of the individual will not lightly interfere with such orders."

In Naursinha v. State of M.P. the Madhya Pradesh High Court, following the principle of the preventive detention cases, held that an order of supersession of the municipality under Section 208 of the Madhya Bharat Municipalities Act, 1954, based on several grounds most of which were found to be irrelevant, was invalid. In Dhirajlal Girdharilal v. CIT, Mahajan, C.J., said with reference to the order of an income tax Tribunal, that:

"The learned Attorney-General frankly conceded that it could not be denied that to a certain extent the Tribunal had drawn upon its own imagination and had made use of a number of surmises and conjectures in reaching its result. He, however, contended that eliminating the irrelevant material employed by the Tribunal in arriving at its conclusion, there was sufficient material on which the finding of fact could be supported. In our opinion, this contention is not well

founded. It is well established that when a court of facts acts on material, partly relevant and partly irrelevant, it is impossible to say to what extent the mind of the court was affected by the irrelevant material used by it in arriving at its finding. Such a finding is vitiated because of the use of inadmissible material and thereby an issue of law arises.”

In State of Orissa v. Bidvabhushan Mahapatra, an Administrative Tribunal in a disciplinary proceeding against a public servant found the second charge and four out of the five heads under the first charge proved and recommended his dismissal. The Governor after giving him a reasonable opportunity to show cause against the proposed punishment dismissed him. The High Court held that the findings on two of the heads under the first charge could not be sustained as in arriving at those findings the Tribunal had violated Rules of natural justice. It held that the second charge and only two heads of the first charge were established and directed the Governor to reconsider whether on the basis of these charges the punishment of dismissal should be maintained. On appeal, this Court set aside the order of the High Court. In the course of the judgment, Shah, J., observed:

“If the High Court is satisfied that if some but not all of the findings of the Tribunal were ‘unassailable’, the order of the Governor on whose powers by the Rules no restrictions in determining the appropriate punishment are placed, was final, and the High Court had no jurisdiction to direct the Governor to review the penalty, for as we have already observed the order of dismissal passed by a competent authority on a public servant, if the conditions of the constitutional protection have been complied with, is not justiciable. Therefore if the order may be supported on any finding as to substantial misdemeanour for which the punishment can lawfully be imposed, it is not for the court to consider whether that ground alone would have weighed with the authority in dismissing the public servant. The court has no jurisdiction if the findings of the enquiry officer or the Tribunal prima facie make out a case of misdemeanour, to direct the authority to reconsider that order because in respect of some of the findings

but not all it appears that there had been violation of the Rules of natural justice."

The principle underlying these decisions appears to be this. An administrative or quasi-judicial order based on several grounds, all taken together, cannot be sustained if it be found that some of the grounds are non-existent or irrelevant, and there is nothing to show that the authority would have passed the order on the basis of the other relevant and existing grounds. On the other hand, an order based on several grounds some of which are found to be non-existent or irrelevant, can be sustained if the court is satisfied that the authority would have passed the order on the basis of the other relevant and existing grounds, and the exclusion of the irrelevant or non-existent grounds could not have affected the ultimate opinion or decision.

16. *Now the opinion of the State Government that the corporation was not competent to perform the duties imposed on it by or under the Act, was based on two grounds one of which is relevant and the other irrelevant. Both the grounds as also other grounds were set out in paras 1 and 2 read with the Annexures 1 and 2 of the show-cause notice dated July 21, 1965. Para 3 of the show-cause notice stated, "And whereas the grounds aforesaid jointly as well as severally appear serious enough to warrant action under Section 408(1) of the said Act". The order dated September 29, 1965 read with the notice dated July 21, 1965 shows that in the opinion of the State Government the second ground above was serious enough to warrant action under Section 408(1) and was sufficient to establish that the corporation was not competent to perform its duties under the Act. The fact that the first ground mentioned in the order is now found not to exist and is irrelevant, does not affect the order. We are reasonably certain that the State Government would have passed the order on the basis of the second ground alone. The order is, therefore, valid and cannot be set aside.*

120. In the backdrop of the afore noted principles of law, let this

Court analyze the present facts as to whether in absence of the Report, 2013 and Report, 2014, the State can go ahead with the Disciplinary proceedings.

For analyzing and determining the said aspect, it is relevant to understand the fundamentals of a Disciplinary proceeding. The term "disciplinary proceeding" is a combination of two words. "Proceeding" refers to a course of action whereas "Disciplinary" signifies its connection to discipline and the intent to enforce it. In essence, a disciplinary proceedings encapsulate a formalized process aimed at upholding and enforcing a structured conduct, where deviations from prescribed standards may lead to punitive actions.

Article 311 of the Constitution establishes critical safeguards of procedural nature. These safeguards primarily protect the civil servants from dismissal or removal or reduction in rank except after an inquiry in which the delinquent employee is informed about the charges against him and giving him a reasonable opportunity of hearing in respect of those charges.

121. The Rules of 1964 applies to all Government servants under the State of Assam except those coming within the ambit of Clauses (a), (b) and (c) of Rule 3(1) of the Rules of 1964. Rule 7 provides the nature of penalties. Rule 9 stipulates the procedure for imposing penalties. It is mandated in Rule 9(1) of the Rules of 1964 that

without an enquiry, no order of penalty under Rule 7 of the Rules of 1964 should be passed.

122. It is relevant now to take note on what basis a disciplinary proceeding can be initiated. The initiation of the disciplinary proceedings against a Government servant hinges on the satisfaction of the Competent Authority based upon available materials/evidence that grounds for departmental action exists due to alleged misconduct, misbehaviour, malpractice, negligence or similar reasons. Such materials can originate from various sources viz

- (a) Complaints.
- (b) Reports including report of Commission of Inquiry.
- (c) Personal knowledge.
- (d) Allegations published in newspapers.
- (e) Information obtained from external sources.

Be that as it may, in the present facts of the instant cases and the opinion rendered by this Court while deciding the point for determination No (i), this Court held that the findings, observations as well as the recommendations made in the Report, 2013 and Report, 2014 cannot be used against the Petitioners to initiate or decide the disciplinary proceedings. Under such circumstances, the State

Government can only proceed with the disciplinary proceedings against the Petitioners on materials other than the findings, observations and recommendations made by the Commission touching upon the conduct and reputation of the Petitioners.

123. It is of importance to note that the State being the employer has an inherent right to initiate disciplinary proceedings against the Government servants if, to the satisfaction of the disciplinary authorities, materials/evidence are available that grounds exist to take departmental actions. It is the specific contention of Mr. N. Kohli, the learned Senior Counsel appearing for the State that there are materials/evidence which have come to the notice on the basis of which the departmental actions against the Petitioners can be continued irrespective of the findings, observations and recommendations of the Commission in the Report, 2013 and Report, 2014 and the same would be substantiated during the course of the disciplinary proceedings.

It is the opinion of this Court that if the State has materials/evidence to substantiate its allegations *de hors* the observations, findings and recommendations made by the Commission in the Report, 2013 and Report, 2014, it would not be proper on the part of this Court to set at naught the Disciplinary proceedings at this nascent stage. At this stage, this Court have intentionally avoided

commenting on the materials referred to by the learned Senior Counsel for the State as the same may prejudice either of the parties in the disciplinary proceedings as well as future course of action and more so, when such materials/evidence is yet to be produced in the disciplinary proceedings.

124. This Court also finds it relevant to take note of Rule 9(2) of the Rules of 1964. For the sake of convenience the said Sub Rule (2) of Rule 9 is quoted hereinbelow:

"2. The Disciplinary Authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges, together with a statement of the allegations on which they are based, shall be communicated in writing to the Government servant, and he shall be required to submit, within such time as may be specified by the Disciplinary Authority, a written statement of his defence and also to state whether he desires to be heard in person."

At the time of delivering the charges, the Disciplinary Authority shall invariably furnish to the Government servant a list of documents and witnesses by which each article of charges is proposed to be sustained.

Explanation- *In this sub-rule and sub-rule (3), the expression "the Disciplinary Authority" shall include the authority competent under these rules to impose upon the Government servant any of the penalties specified in Rule 7.*

125. From a perusal of the said Sub Rule, it is noticed that the Disciplinary Authority has to formulate the definite charges on the basis of the allegations and such charges along with the Statement of the Allegations on which they are based has to be communicated to

the Government servant. Alongwith the said delivery of charges, the Disciplinary Authority has to invariably furnish the Government servant a list of documents and witnesses by which each article of charge is proposed to be sustained.

In the instant cases, the Show Cause Notice along with the Statement of the Allegations and the list of documents has been served upon the Petitioners. It is however noteworthy to mention that both in the Show Cause Notices as well as the Statements of the Allegations references have been made to the Report, 2013 and Report, 2014 as the case may be. Apart from that, the requirement of furnishing the list of documents and witnesses have been sought to be fulfilled by providing extracts of the Report, 2013 and Report, 2014 as the case may be insofar as findings, observations and recommendations have been made by the Commission in the Report, 2013 and Report, 2014 so far as it relates to the respective Petitioners.

126. In view of the opinion rendered by this Court in respect to the Point for Determination No. (i), the Respondent State cannot refer or rely upon the observations, findings and recommendations made by the Commission in the Report, 2013 and Report, 2014 insofar as it relates to the Petitioners in the present batch of writ petitions.

127. Accordingly, the point for determination No. (ii) is opined and

observed as under:

(A) The Respondent State/Disciplinary Authority would be at liberty to proceed with the Disciplinary proceedings initiated against the Petitioners on the basis of the Show Cause Notices and Statements of the Allegations served upon the Petitioners. However, the Respondent State/Disciplinary Authority shall proceed with the Disciplinary proceedings without relying and/or referring to any observation, finding and/or recommendations made by the Commission which touches upon the conduct and reputation of the Petitioners in the Report, 2013 and Report, 2014 as the case may be.

(B) Accordingly, the second paragraph of the Show Cause Notices as well as the second paragraph of the Statements of Allegations issued against each Petitioner stand stricken off. The Extracts of the Report, 2013 or the Report, 2014 which were furnished as list of Documents to the petitioners cannot be relied and/or referred to by the Respondent State/Disciplinary Authority.

(C) In the circumstances, the Disciplinary Authority/Respondent State wishes to include additional documents and/or provide the list of witnesses, the Petitioners having already submitted their Statement of Defence have to be provided with an opportunity to

file additional Statement of Defence alongwith documents, if so advised. The Petitioners would be at liberty to raise such further or other defences as permissible under law in their additional Statement of Defence.

(D) The liberty so granted in Clause (C) hereinabove to the Disciplinary Authority/Respondent State is limited to be exercised within 45 (forty-five) days from the date of the present judgment. It is observed that if the Disciplinary Authorities fail to provide the additional documents and/or list of witnesses to the Petitioners within the time stipulated above, the Disciplinary proceedings shall proceed in accordance with law on the basis of the observations made in Clauses (A) and (B) hereinabove. For the period of 45 (forty-five) days from the present judgment, the Disciplinary Proceedings shall therefore remain stalled thereby enabling the Respondent State/Disciplinary Authority to provide the additional documents and/or provide the list of witnesses.

(E) This Court for the sake of clarity observes that as the Disciplinary proceedings against the petitioners are yet to be decided on merits, the above directions issued shall not preclude the Disciplinary Authorities/Respondent State to drop the present impugned disciplinary proceedings initiated against the Petitioners and initiate fresh disciplinary proceedings, if so

advised. It is observed that in the circumstances fresh disciplinary proceedings are initiated, the Disciplinary Authority/Respondent State cannot refer and/or rely upon the observations, findings and recommendations made by the Commission against the Petitioners in the Report, 2013 and Report, 2014 [see ***Devender Pratap Narain Rai Sharma Vs State of Uttar Pradesh*** reported in ***1961 SCC OnLine SC 90***].

(F) The liberty granted to the Respondent State/Disciplinary Authority to drop the impugned Disciplinary Proceedings and initiate fresh Disciplinary Proceedings shall have to be exercised within 45 (forty-five) days from the date of the instant judgment. Failure to do so, the Respondent State/Disciplinary Authority shall have to proceed with the impugned Disciplinary Proceedings in the manner directed hereinabove.

THIRD POINT FOR DETERMINATION

128. The materials on record show that on the date on which the Petitioners have been issued the Show Cause Notices along with the Statement of the Allegations, the Petitioners have also been suspended by Notifications issued on the same date. A perusal of the Notifications, and more particularly the Notification which was issued in the case of the Petitioner in WP(C) No. 5862/2024, reveals that the Petitioner was put under suspension on the ground of findings,

observations and recommendations in the Report, 2013 against her and further a case against the Petitioner in respect to the criminal offence is under investigation. The materials on record and more particularly Annexure-R6 to the affidavit-in-opposition filed by the Respondent No. 3 in WP(C) No. 5862/2024 shows that a Supplementary Charge-Sheet had already been submitted wherein all the Petitioners are arrayed as accused.

129. The question therefore arises, as to whether the Notifications by which the Petitioners have been put under suspension call for any interference.

130. This Court finds it relevant to take note of Rule 6(1) of the Rules of 1964. The said Sub-Rule being relevant is reproduced hereinbelow:

“(1) The Appointing Authority or any authority to which it is subordinate or any other authority empowered by the Governor in that behalf may place a Government servant under suspension-

(a) where a disciplinary proceeding against him is contemplated or is pending; or

(b) where in the opinion of the authority aforesaid he has engaged himself in activities prejudicial to the interest or the security of the State; or

(c) where a case against him in respect of any criminal offence is under investigation, inquiry or trial :

Provided that where the order of suspension is made by an authority lower than the Appointing Authority such authority shall forthwith report to the Appointing

Authority the circumstances in which the order was made."

131. From a perusal of the above Sub-Rule, it would show that a Government Servant can be suspended when:

- (a) when disciplinary proceedings against the Government servant is contemplated or pending; or
- (b) where the Government servant engages in activities which are prejudicial to the interest or the security of the State; or
- (c) where a case against the Government servant in respect to a criminal offence is under investigation, inquiry or trial.

132. Disciplinary Proceedings as well as Criminal Proceedings are presently pending against the Petitioners and as such the Respondent State can be suspended in terms with Rule 6(1)(a) as well as Rule 6(1)(c) of the Rules of 1964. Therefore the Notifications of suspension of the Petitioners as on date are not contrary to the Rules of 1964.

133. Be that as it may, continued and protracted suspension have been looked down upon by the various judicial pronouncements as it violates the rights under Article 21 of the Constitution. In the case of ***Ajay Kumar Choudhary Vs. Union of India (Through its Secretary) & Anr*** reported in ***(2015) 7 SCC 291***, the Supreme Court observed at Paragraph Nos. 20 and 21 which being relevant are quoted hereinunder:

“20. *It will be useful to recall that prior to 1973 an accused could be detained for continuous and consecutive periods of 15 days, albeit, after judicial scrutiny and supervision. The Code of Criminal Procedure, 1973 contains a new proviso which has the effect of circumscribing the power of the Magistrate to authorise detention of an accused person beyond a period of 90 days where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than 10 years, and beyond a period of 60 days where the investigation relates to any other offence. Drawing support from the observations contained of the Division Bench in Raghubir Singh v. State of Bihar and more so of the Constitution Bench in Antulay, we are spurred to extrapolate the quintessence of the proviso to Section 167(2) CrPC, 1973 to moderate suspension orders in cases of departmental/disciplinary enquiries also. It seems to us that if Parliament considered it necessary that a person be released from incarceration after the expiry of 90 days even though accused of commission of the most heinous crimes, a fortiori suspension should not be continued after the expiry of the similar period especially when a memorandum of charges/charge-sheet has not been served on the suspended person. It is true that the proviso to Section 167(2) CrPC postulates personal freedom, but respect and preservation of human dignity as well as the right to a speedy trial should also be placed on the same pedestal.*

21. *We, therefore, direct that the currency of a suspension order should not extend beyond three months if within this period the memorandum of charges/charge-sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge-sheet is served, a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the person concerned to any department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognised principle of human dignity and the right to a speedy trial and shall also preserve the interest of the*

Government in the prosecution. We recognise that the previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time-limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation, departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.”

134. This Court in the case of ***Prasanta Dutta Vs. State of Assam & Others*** reported in **(2024) 5 GLR 431** had also dealt with the issue of protracted suspension on the ground of criminal proceedings being pending and observed what are the requisite areas wherein the Competent Authorities are required to address while carrying out periodical review of the suspension orders vis-à-vis public interest. Paragraph Nos. 66 to 70 being relevant are reproduced hereinbelow:

“66. This court further finds it relevant to observe taking into account clause 2.1.3 and clause 2.1.4 of the Manual of Departmental Proceedings issued by the Government of Assam, Department of Personnel which have already been quoted hereinabove. A perusal of the said clauses would show that an order of suspension not only entails sufferings to the delinquent employee but the suspension of a Government servant is also a liability upon the State. This is a very important aspect of the matter which the Respondent-Authorities have also to take note of inasmuch as the legal consequences of an employee being placed under suspension is that he continues to retain or hold the lien over the said post. The vacancy caused in the post due to the suspension of the incumbent is only temporary during the period of suspension since the employee continues to retain or hold lien over the post, he is being paid subsistence allowance during the period of suspension. However, on account of the suspension, the delinquent employee is forbidden from carrying out his/her duties. Therefore, when a

post falls vacant due to suspension of the incumbent, such vacancy is purely temporary and cannot be filled up on permanent basis. Any appointment made to such a vacancy would be subject to the outcome of the suspension. If the suspension is revoked, the subsequent appointee will have to move out. Therefore, the various judicial pronouncements from time-to-time have frowned upon the practice of protractive suspensions inasmuch as it not only results in public shame or disgrace to an employee but also results in causing a void to the post on which the employee holds lien. This is a pertinent aspect which the Respondent-Authorities are, therefore, to take note of.

67. The judgment of the Supreme Court in the case of Ajay Kumar Choudhary (supra) have sought to moderate Suspension Orders by applying the principles of right to speedy trial which is a facet of article 21 of the Constitution. The said judgment in the case of Ajay Kumar Choudhary (supra) further observed in paragraph No. 21 that how an employee can be accommodated pending disposal of the Disciplinary Proceedings by transferring him to any of the offices of the department within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. It was further observed by the Supreme Court that the Government may also prohibit the delinquent employee from contacting any person or handling records and documents till the stage of his having to prepare his defence. The Supreme Court further observed that by taking these steps, the interest of the Government in the prosecution and the principles of human dignity and right to speedy trial can be balanced. This is another aspect which the Disciplinary Authority is required to take note of.

68. It is also pertinent herein to observe that the settled principles of law do not envisage that merely because there is a criminal proceedings pending against the delinquent employee, he has to be kept under suspension. This aspect can very well be seen from the judgment of the Supreme Court in the case of Promod Kumar, IPS (supra) wherein the Supreme Court even after taking into account that the said officer was arrested and there was a criminal proceedings pending against him and taking

into account the judgment in the case of Ajay Kumar Choudhary (supra) have directed reinstatement of the officer (the Respondent therein) to a non-sensitive post. This is also a vital aspect of the matter which needs to be taken into consideration by the Respondent-Authorities.

69. Another aspect of the matter which also requires the consideration of the Respondent Disciplinary Authority that the investigation in both C.I.D. P.S. Case No. 21/2020 and Barpeta P.S. Case No. 43/2021 are complete and the evidence have been duly collected. Under such circumstances, whether the further continuation of suspension of the petitioner would be required in the attending facts of the case.

70. The observations made hereinabove are relevant and pertinent aspects which ought to have been and is required to be taken into account at the time of reviewing as to whether the further suspension of a delinquent employee is required. Merely because a Disciplinary Proceedings are pending, the authorities cannot keep the delinquent employee under suspension for an indefinite period as the same would not only be affecting the rights of human dignity of the delinquent employee but would also affect the administrative exigencies of the Respondent-State.”

135. This Court also takes note of that while issuing Notice in the present batch of writ petitions, the Departmental Proceedings have been stayed. Further to that, in some of the cases, the suspension orders have been stayed.

136. It is the opinion of this Court that an order of suspension can only be stayed in an extreme case, as it amounts to finally disposing the issue of suspension even without giving an opportunity to the other side.

137. It is a settled proposition of law that when the Court is finally

adjudicating the lis, it is not bound by the interim orders. Further to that, the interim orders are always subject to the final outcome of the lis.

138. In the facts and circumstances of these cases, it is the opinion of this Court that interference with the Suspension Orders assailed in the instant proceedings are not called for as the exercise of the jurisdiction was in conformity with the Rules of 1964. This Court, however, observes that it is also the mandate of the settled principles of law that the Respondent Authorities/Competent Authority are required to review periodically as to whether the orders of suspension are required to be continued in the public interest keeping in mind that long and protracted Suspension Orders not only violate the rights under Article 21 of the Constitution, but also would not be in public interest.

CONCLUSION

139. The instant batch of writ petitions stand disposed of with the following observations and directions:

- (i) The Commission had violated the rights of the Petitioners under Section 8B and Section 8C of the Act of 1952 while making the inquiries in respect to the Combined Competitive Examination, 2013 and Combined Competitive Examination, 2014

and thus the Report, 2013 and Report, 2014 are in violation to the mandatory provisions of Section 8B and Section 8C of the Act of 1952.

(ii) The Report, 2013 and Report, 2014 cannot be used against the Petitioners to initiate any disciplinary proceedings against the Petitioners or any prosecution against the Petitioners. All findings observations and/or recommendations so made by the Commission in the Report, 2013 and Report, 2014 touching upon the conduct and reputation of the Petitioners prejudicially cannot be used against the Petitioners in any Forum and are rendered nonest as it violates Section 8B and Section 8C of the Act of 1952.

(iii) The Report, 2013 and Report, 2014, subject to the observations made in Clause (ii) hereinabove, are not set aside and quashed. The Report, 2013 and Report, 2014 contains various fact-finding details touching on matters of public importance and such findings, observations and recommendations may aid the Government of Assam to retrospect as well as introspect and to take any policy decision for the future.

(iv) The Respondent State/Disciplinary Authority would be at liberty to proceed with the Disciplinary Proceedings initiated

against the Petitioners on the basis of the Show Cause Notices and Statements of the Allegations served upon the Petitioners. However, the Respondent State/Disciplinary Authority shall proceed with the Disciplinary proceedings without relying and/or referring to any observation, finding and/or recommendations made by the Commission which touches upon the conduct and reputation of the Petitioners in the Report, 2013 and Report, 2014, as the case may be.

(v) Accordingly, the second paragraph of the Show Cause Notices as well as the second paragraph of the Statements of the Allegations issued against each Petitioner stand stricken off. The Extracts of the Report, 2013 or the Report, 2014 which were furnished as list of Documents to the Petitioners cannot be relied and/or referred to by the Respondent State/Disciplinary Authority.

(vi) In the circumstance, the Disciplinary Authority/Respondent State wishes to include additional documents and/or provide the list of witnesses, the Petitioners having already submitted their Statement of Defence have to be provided with an opportunity to file additional Statement of Defence alongwith documents, if so advised. The Petitioners would be at liberty to raise such further or other defences as permissible under law in their additional

Statement of Defence.

(vii) The liberty so granted in Clause (vi) hereinabove to the Disciplinary Authority/Respondent State is limited to be exercised within 45 (forty-five) days from the date of the present judgment. It is observed that if the Disciplinary Authorities fail to provide the additional documents and/or list of witnesses to the Petitioners within the time stipulated hereinabove, the Disciplinary proceedings shall proceed in accordance with law on the basis of the observations made in Clauses (iv) and (v) hereinabove. For the period of 45 (forty-five) days from the present judgment, the Disciplinary Proceedings shall therefore remain stalled thereby enabling the Respondent State/Disciplinary Authority to provide the additional documents and/or provide the list of witnesses.

(viii) This Court for the sake of clarity observes that as the Disciplinary Proceedings against the Petitioners are yet to be decided on merits, the above directions issued shall not preclude the Disciplinary Authorities/Respondent State to drop the present impugned Disciplinary Proceedings initiated against the Petitioners and initiate fresh Disciplinary Proceedings, if so advised. It is observed that in the circumstances fresh Disciplinary Proceedings are initiated, the Disciplinary

Authority/Respondent State cannot refer and/or rely upon the observations, findings and recommendations made by the Commission against the Petitioners in the Report, 2013 and Report, 2014. [see ***Devender Pratap Narain Rai Sharma Vs State of Uttar Pradesh*** reported in ***1961 SCC Online SC 90***]

(ix) The liberty granted to the Respondent State/Disciplinary Authority to drop the impugned Disciplinary Proceedings and initiate fresh Disciplinary Proceedings shall have to be exercised within 45 (forty-five) days from the date of the instant judgment. Failure to do so, the Respondent State/Disciplinary Authority shall have to proceed with the impugned Disciplinary Proceedings in the manner directed hereinabove.

(x) The Notifications whereby the Petitioners have been suspended are not interfered with. However, this Court directs that the Respondent Authorities shall carry out periodical reviews as to whether the continuation of the suspension of the Petitioners are necessary in public interest.

(xi) It has been brought to the attention of this Court that during the pendency of the writ petitions there were no reviews conducted by the Competent Authority. This Court directs the Respondent Authorities to carry out review of all the Notifications notifying the suspension of the Petitioners within 45 (forty-five)

days from the date of the present judgment as to whether the continuation of the Petitioners suspension are necessary in public interest. Failure to do so, would result in the Notifications suspending the Petitioners invalid and the Petitioners be accordingly reinstated in non-sensitive posts keeping in mind the observations of the Supreme Court at Paragraph No. 21 of the Judgment in ***Ajay Kumar Choudhary (supra)***.

(xii) The Petitioners, having given up the plea as regards the legality and validity of the parallel continuation of the departmental proceedings pending the criminal proceedings, it is observed that the Petitioners are debarred from raising such contention in future.

(xiii) This Court hopes and expects that the Disciplinary proceedings so initiated against the Petitioners are brought to a close at the earliest taking into account that delay in disposal of the Disciplinary proceedings not only prejudicially affects the rights of both the Petitioners and the Respondents, but also leads to a state of uncertainty in the lives of the Petitioners.

(xiv) Interim orders passed earlier stands vacated.

(xv) All Interlocutory Applications filed in the present proceedings stands closed in terms with the present judgment

and order.

(xvi) There shall be no order as to costs.

JUDGE

Comparing Assistant