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

Case No. : WP(C)/2910/2026

DR PURABI PHUKAN
D/O SRI SONARAM PHUKAN, R/O RUKMINIGAON, ASSAM SACHIVALAYA,
P.O. ASSAM SACHIVALAYA, DIST- KAMRUP(M), ASSAM, PIN 781006

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY SECRETARY TO THE MINISTRY OF HEALTH AND
FAMILY WELFARE, ROOM NO 348, A WING, NIRMAN BHAVAN, NEW DELHI
110011

2:THE ALL INDIA INSTITUTE OF MEDICAL SCIENCES
REPRESENTED BY ITS DIRECTOR
GUWAHATI
CHANGSARI
ASSAM
PIN 781101

3:THE PRESIDENT
ALL INDIA INSTITUTE OF MEDICAL SCIENCES
GUWAHATI
CHANGSARI
ASSAM
PIN 781101

4:DR ASHOK PURANIK
THE EXECUTIVE DIRECTOR
ALL INDIA INSTITUTE OF MEDICAL SCIENCES
GUWAHATI
CHANGSARI
ASSAM
PIN 781101

5:THE GOVERNING BODY
REPRESENTED BY ITS CHAIRMAN
ALL INDIA INSTITUTE OF MEDICAL SCIENCES
GUWAHATI
CHANGSARI
ASSAM
PIN 781101

6:THE INDIAN COUNCIL OF MEDICAL RESEARCH
REPRESENTED BY ITS DIRECTOR GENERAL
ICMR HEADQUARTERS
AIIMS CAMPUS TEMPLE
ANSARI NAGAR EAST
NEW DELHI
DELHI 11002

Advocate for the Petitioner : MR. K N CHOUDHURY, MR. S P SHARMA,MS U SHARMA,MR.
N SARMA,MR. RAHUL BORA

Advocate for the Respondent : DY.S.G.I.,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

03.06.2026

Heard Mr. K.N. Choudhury, learned Senior Counsel assisted by Mr. N. Gautam, learned counsel for the petitioner. Also heard Mr. M.R. Adhikari, learned CGC for the respondent No.1.

2. The petitioner before this Court is serving on probation as a professor of Community Medicine in the All India Institute of Medical Science at Changsari, Guwahati. The petitioner is aggrieved by the impugned show cause notice dated 27.05.2026, whereby the petitioner was called upon to show cause in response to the allegations made in the show cause notice. The petitioner was permitted to submit his/her reply within a period of 7 days from the date of receipt of the

show cause notice.

3. The learned Senior Counsel for the petitioner submits that as per the All India Institute of Medical Science Regulations, 1999 the Disciplinary Authority for Group A post other than the Director is the Governing Body of AIIMS. It is submitted that post of a professor is a Group A posts and as per the regulation 33. It is only the Governing Body who is the authorized authority to initiate the departmental proceedings and not the Director. The learned Senior Counsel has further referred to Serial No. 1 of Schedule II to submit that in the event the Director is authorized by the Governing Body or by the President then the same should be reflected in the order. The learned Senior Counsel submits that in the show cause notice dated 27.05.2026, there is no reference that the Governing Body had authorized the Director to initiate show cause therefore, the Director is not authorized to issue the impugned show cause notice. He further submits that the Director having usurped powers not vested on him. Being aggrieved the present writ petition has been filed.

4. Mr. K.N. Choudhury, learned Senior Counsel for the petitioner also referring to the judgment of the Apex Court rendered in *P.V. Srinivasa Sastry and Ors. vs. Comptroller and Auditor General and Ors.* reported in (1993) 1 SCC 419 submits that disciplinary proceedings could be initiated by an authority other than the appointing authority. However, when the Rules are framed then it must be initiated by the prescribed appointing authority as provided under the Rules. He therefore, submits that without there being any reference that the Governing Body has authorized the Director to issue the show cause notice, the Director is not the authorized authority under the regulations to issue the show cause notice. It is submitted that the impugned show cause notice and the proceedings therefore, be interfered with and set aside and till the pendency of

the writ petition, the further proceedings be stayed.

5. Mr. M.R. Adhikari, learned CGC appearing for respondent No.1 submits that at the stage he has no instructions and would like to complete his instructions. He, however, submits that he represents only respondent No.1.

6. Considering the submissions made and upon careful perusal of the AIIMS Regulations, Schedule 2 appended to the said regulations, it is clear that for Group A posts other than the Director, the disciplinary authority is the Governing Body. Upon perusal of the show cause notice also it is seen that it is issued by the Director. In the recital of the show cause notice, there is no reference that the Director is authorized by the Governing Body of AIIMS to issue the show cause notice. Prima facie, it appears to the Court that the show cause notice issued by the Director is not as per the Regulations of 1999. Therefore, let notice be issued returnable by 15.07.2026.

7. Since Mr. M.R. Adhikari, learned CGC appears for the respondent No.1, therefore, notices are waived. However, extra copies be furnished within three (03) days from today.

8. Steps on respondents Nos. 2 to 6 shall be taken through Speed Post within a period of one week from today.

9. Meanwhile, till the next returnable date no coercive action shall be taken against the petitioner in pursuance to the impugned show cause notice dated 27.05.2026.

10. List this matter again on 15.07.2026.

JUDGE

Comparing Assistant