

GAHC010127842025



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

Case No. : WP(C)/3291/2025

MR SUBODH KUMAR SINGH
S/O SHRI RAJDEO SINGH
R/O BALUGHAT COLONY, INFRONT OF NARAYAN SINGH COLLEGE,
MAHAMMADPUR KAZI MUZZAFFARPUR, BIHAR-842001.
PRESENTLY RESIDING AT-
QUARTER NO. 6/V/E,
BVFCL COLONY, NAMRUP, P.O. PARBATPUR, DIST. DIBRUGARH, ASSAM-
786623
PHONE NO. 917002042837

VERSUS

THE UNION OF INDIA AND 5 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA,
DEPARTMENT OF FERTILIZERS, MINISTRY OF CHEMICAL AND
FERTILIZERS, SHASTRI BHAWAN,
NEW DELHI-110001.

2:M/S BRAHMAPUTRA VALLEY FERTILIZER CORPORATION LIMITED

REPRESENTED BY THE CHAIRMAN AND MANAGING DIRECTOR (CMD)
HAVING ITS REGISTERED OFFICE AT NAMRUP
P.O. PARBATPUR
DIST. DIBRUGARH
ASSAM-786623

3:CHAIRMAN AND MANAGING DIRECTOR

M/S BRAHMAPUTRA VALLEY
FERTILIZER CORPORATION LIMITED
NAMRUP
PO. AND PARBATPUR

DIST. DIBRUGARH
ASSAM-786623.

4:DIRECTOR (PRODUCTION)

M/S BRAHMAPUTRA VALLEY
FERTILIZER CORPORATION LIMITED
NAMRUP
P.O.PARBATPUR
DIST. DIBRUGARH
ASSAM-786623

5:SENIOR MANAGER (VIGILANCE)
M/S BRAHMAPUTRA VALLEY FERTILIZER CORPORATION LIMITED
NAMRUP
P.O. PARBATPUR

DIST. DIBRUGARH
ASSAM-786613

6:DY. MANAGER (HUMAN RESOURCES)
M/S BRAHMAPUTRA VALLEY FERTILIZER CORPORATION LIMITED
NAMRUP
P.O. PARBATPUR
DIST. DIBRUGARH
ASSAM-78662

Advocate for the Petitioner : MRS P BARUA, MS N BEDI,MR M KALITA

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

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 13/06/2025

Heard Mrs. P. Baruah, learned counsel for the writ petitioner. Perused the statements made in the writ petition.

The petitioner herein, who is presently posted as Chief Manager (Training) under the Brahmaputra Valley Fertilizer Corporation Ltd. (BVFCL), has approached this Court by filing the present

writ petition with multiple grievances. The primary grievance of the petitioner is that having spent all his professional life in the service of the BVFCL in the Marketing Division and having acquired the requisite skills and experience in the Marketing Department, the respondents have illegally and arbitrarily shifted him to the Training Department, which, in a way amounts to downgrading of his professional stature. Ms. Baruah further submits that although her client has appeared in a Departmental Promotion Committee (DPC) interview held on 13/12/2023 for the post of Deputy General Manager (DGM) (Marketing), yet, his results have been withheld till today, for no valid reason although, the results of similarly situated other candidates have already been declared. According to Ms. Baruah, the result of her client has allegedly been withheld on the ground of pendency of complaint/enquiry against the petitioner although, no such enquiry initiated in accordance with law, is pending to the best of the knowledge of the writ petitioner. Ms. Baruah has also emphatically argued that her client is a victim of *mala fide* action on the part of the departmental authorities and, therefore, the present is a fit case for interference by this Court.

By inviting the attention of this Court to the advertisement notice No. HR/11/2025/02, issued in the month of May, 2025, annexed as Annexure-XXIV to the writ petition, Ms. Baruah has further argued that with a view to deprive the petitioner of his legitimate claim for appointment as DGM (Marketing), the respondents have advertised the said post for filling up the same by way of direct recruitment. Therefore, an interim order of protection is called for in this case.

After going through the materials on record and after considering the submissions of the petitioner's counsel, this Court is of the opinion that a *prima facie* case has been made out by the petitioner calling for interference by this Court.

Mr. A.K. Dutta, learned CGC, appearing for the respondents has prayed for four weeks time to obtain instruction in response to the arguments advanced by the petitioner's counsel.

Issue notice of motion returnable in four weeks.

Since Mr. A.K. Dutta, has appeared and accepted notice on behalf of all the respondents, no formal notice is called for in this case. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel within three days from today.

Heard on the prayer of interim relief.

Having regard to the facts and circumstances of the case in its entirety, it is hereby provided that the respondents may proceed with the recruitment process initiated vide advertisement notice No. HR/11/2025/02 but shall not issue any final order of appointment *qua* the post of DGM (Marketing) (E-7) at Sl. No. 4 of the advertisement notice, without the leave of this Court.

List accordingly.

JUDGE

Comparing Assistant