

GAHC010138072024



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

**Case No. : WP(C)/3573/2024**

ABDUL WAHID CHOUDHURY  
S/O- HARUNUR RASHID CHOUDHURY, PERMANENT RESIDENT OF VILL.  
MARERA KHUDRA PURAHUARI, P.O. MANIKGANJ, DIST. KARIMGANJ,  
ASSAM- 788712

VERSUS

THE STATE OF ASSAM AND 2 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, DEPARTMENT OF ENVIRONMENT AND FOREST, DISPUR,  
GUWAHATI-6

2:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF  
FOREST FORCE  
ASSAM  
ARANYA BHAWAN NEAR SRIMANTA SANKARDEVA KALAKHETRA  
PANJABARI  
GUWAHATI  
ASSAM- 781037

3:THE PROJECT DIRECTOR  
ASSAM PROJECT ON FOREST AND BIODIVERSITY CONSERVATION  
SOCIETY  
ARANYA BHAWAN NEAR SRIMANTA SANKARDEVA KALAKHETRA  
PANJABARI  
GUWAHATI  
ASSAM- 78103

**Advocate for the Petitioner : MR M J QUADIR**

**Advocate for the Respondent : SC, FOREST**

**BEFORE  
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**22-07-2024**

Heard Shri M. J. Qadir, learned counsel for the petitioner, who has put to challenge an order dated 01.06.2024 by which his services were discontinued as Senior Procurement Specialist, Project Management Unit (PMU), Assam Project on Forest and Biodiversity Conservation Society (APFBC), Phase-II. It is the case of the petitioner that he was engaged on contractual basis in the aforesaid post vide an agreement dated 07.08.2020 which was for a period of 2 years. However, based on the performance of the petitioner, he was allowed to continue and was also paid the salaries. It is submitted that owing to a criminal case in which the petitioner had to take anticipatory bail, the discontinuation has been made. The learned counsel has also submitted that there is a move to fill up the post by another temporary employee which is not permissible by law.

Shri P. N. Goswami, learned Addl. AG, Assam representing the Forest Department has however submitted that the initial tenure of the contract was two years and therefore there is no indefeasible right of the petitioner to claim continuity. He has also submitted that the discontinuation is simpliciter and not connecting to any allegations by which no stigma has been attached.

Let **notice** be issued, returnable on **21.08.2024**.

Shri Goswami, learned AAG accepts notice on behalf of all the respondents.

Extra copies of the writ petition be served upon him by tomorrow.

**JUDGE**

**Comparing Assistant**