

GAHC010150342024



2026:GAU-AS:737

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

Case No. : WP(C)/3827/2024

DR. HARWE INGTI KATHARPI
D/O- LATE ROBINDRA INGTI KATHAR, R/O- ATIGAON, NEAR HIGHER
SECONDARY SCHOOL, P.O. BAKALIA AND P.S. BAKALIA, DIST.- KARBI
ANGLONG, ASSAM, PIN- 782482

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF HIGHER EDUCATION,
DISPUR, GUWAHATI, ASSAM, PIN- 781006

2:THE DIRECTOR OF HIGHER EDUCATION DEPARTMENT
ASSAM
KAHILIPARA
GUWAHATI
ASSAM
PIN- 781019

3:KARBI ANGLONG AUTONOMOUS COUNCIL
REPRESENTED BY THE PRINCIPAL SECRETRAY
DIPHU
KARBI ANGLONG
ASSAM
PIN- 782460

4:ADDITIONAL DIRECTOR OF EDUCATION
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
KARBI ANGLONG
ASSAM
PIN- 782460

5:THE PRINCIPAL (I/C)
RUKASEN COLLEGE
BOKOLIA
KARBI ANGLONG
ASSAM
PIN- 78248

Advocate for the Petitioner : MR. M SARANIA, MRS. ROMA ENGTIPI, MRS. R MOMTAZ, ALHAJJ I UDDIN, MR ROBIUL HOQUE, MR. A I KATHAR, MR R.BEZBARUAH, MR. P P GOGOI, MR A SARANIA

Advocate for the Respondent : SC, HIGHER EDU, SC, K A A C

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 22.01.2026

Heard the petitioner in person. Also heard Mr. J. Chutia, learned Standing Counsel, Karbi Anglong Autonomous Council (KAAC) and Mr. S. Bhuyan, learned Standing Counsel, Higher Education Department for the respondent Nos. 1 and 2.

[2.] Having regard to the projection made by the petitioner, this writ petition is taken up for disposal at this stage.

[3.] It may be noted at the outset that the petitioner had earlier approached this Court by filing WP(C)/5338/2023 being aggrieved with the order dated 03.07.2023, passed by the Additional Director of Education, KAAC, Diphu placing her under suspension pending drawal of departmental proceeding. During the pendency of the writ petition, the said suspension order had been revoked and such being the position, the writ petition was disposed of as infructuous vide order dated 05.01.2024. The writ petitioner however filed the present writ

petition challenging two Show Cause Notices issued to her on 24.03.2023 (Annexure-2) and on 04.04.2023 (Annexure-3) as well as the order by which she had been reinstated into service i.e., order dated 05.01.2024 insofar as the observation that was made that she has been reinstated subject to pending drawal of departmental proceeding.

[4.] The petitioner in person has sought to impress upon the Court that she has not been served with any materials in the Show Cause Notice dated 24.03.2023 as well as 04.04.2023 in order to enable her to submit an effective reply. Further the two Show Cause Notices are issued in gross violation of the Assam Service (Disciplinary & Appeal) Rules, 1964. Therefore, the Show Cause Notices has been issued on grounds other than *bonafide*. Moreover, more than two years have lapsed since the issuance of the Show Cause Notice and the proceeding has not been completed till date and for which reason, the petitioner is facing hardship. She also submits that the Principal of the college concerned is due to retire on 27.01.2026 and she is the contender for the said post being the senior most professor of the college. The petitioner in person also submits that according to the respondent authorities, subsequent Show Cause Notices were issued to her but she never received any of those Show Cause Notices and therefore the entire proceedings initiated by the respondents should be set aside.

[5.] Mr. J. Chutia, learned Standing Counsel, KAAC on the other hand submits that the writ petition has become infructuous in view of the fact that all the Show Cause Notice that were issued to the petitioner earlier has been superseded by the Show Cause Notice issued on 09.10.2025, wherein, the grounds for issuing the Show Cause Notice has clearly been stated and further the statement of allegations have also been provided. Referring to the said

documents, the learned Standing Counsel submits that the petitioner in fact was given liberty to inspect the documents intended to be relied upon by the respondent authorities and therefore, it is for the petitioner to decide to participate in the departmental proceeding so that the same can be completed expeditiously. He submits that the petitioner having received the Show Cause Notice issued on 19.10.2025 has also filed a reply to the Show Cause Notice on 22.10.2025 and the respondent authorities at the moment are in the midst of the proceedings. He submits that the same will be completed after examination and cross examination of the prosecution witnesses and also the defense witnesses, if any. He therefore, submits that the writ petition may be dismissed as infructuous and the respondent authorities be allowed to complete the proceeding initiated vide the Show Cause Notice dated 09.10.2025.

[6.] Mr. S. Bhuyan, learned Standing Counsel, Higher Education Department submits that no separate affidavit has been filed by the Higher Education Department and that he would rely upon the affidavit already filed by the KAAC.

[7.] I have carefully considered the submissions made by the rival parties and perused the materials available on record. As submitted, it is seen that the Show Cause Notices dated 24.03.2023 and 04.04.2023 or any other Show Cause Notice that may have been issued prior to 09.10.2025 is only superseded by the Show Cause Notice dated 09.10.2025 and the same also goes to show that certain allegation has been leveled against the petitioner and to which the petitioner has also submitted reply on 22.10.2025. Further, this Court vide order dated 05.01.2024 had already closed the earlier writ petition filed by the petitioner as infructuous. Such being the position, there is no scope at this stage to adjudicate upon the prayer made by the petitioner in the present writ petition. However, as already noticed, the Show Cause Notice dated 09.10.2025

had been issued to the petitioner once again and to which the petitioner had also made a response to the same. Considering the same and also the grievances projected by the petitioner in person, this Court is of the considered view that the respondent authorities should expeditiously complete the entire proceeding drawn against the petitioner in terms of the Show Cause Notice dated 09.10.2025 by bringing the same to its logical conclusion. Since the petitioner has already submitted her reply to the Show Cause Notice and it is submitted by the learned Standing Counsel, KAAC that there are three prosecution witnesses to be examined, it is hereby provided that the departmental proceeding should be completed as expeditiously as possible and preferably within a period of 3(three) months from today.

[8.] With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant