

GAHC010178452024



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

Case No. : WP(C)/4408/2024

NO. 15474209A SEP BHUPEN RAJBONGSHI
S/O LATE GARGO RAJBONGSHI, VILLAGE AND PO MAKHI BAHA, PS TIHU,
DIST NAGAON, ASSAM

VERSUS

THE UNION OF INDIA AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF HOME AFFAIRS, NEW DELHI 01

2:THE OFFICER IN CHARGE
DEFENCE SECURITY CORPS RECORDS
MILL ROAD
BURNECHERRY POST
KANNUR
KERALA 670013

3:THE COL. COMMANDING OFFICER

100 DSC
PI ATTO TO DET 21 MTN DOU (AP NNB) 901808
C/P 99 APO

4:THE COMMANDING OFFICER
21 MOUNTAIN DIVISION ORDINANCE UNIT
AZARA
VIP KAMRUP R ASSA

Advocate for the Petitioner : MR. R MAZUMDAR, MR Z RAHMAN,MR. A M KHAN,MR S
PRODHANI

Advocate for the Respondent : DY.S.G.I., MS. B SARMA(CGC)

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

09.09.2024

Heard Mr. R. Mazumdar, learned counsel for the petitioner, who submits that in view of the decision of the Supreme Court rendered in the case of **Union of India Vs. Rajpal Singh** reported in **(2009)1 SCC 216** the respondents could not have discharged the petitioner from service on medical ground without referring his case for examination by an Invalidating Board. According to Mr. Mazumdar, the case of the petitioner is squarely covered by the decision of **Rajpal Singh** (supra) and therefore, the writ petition be allowed on such count alone.

On the request of Ms. B. Sarma, learned Central Govt. Counsel, this matter stands adjourned till 18.09.2024 so as to enable her to obtain specific instruction and apprise this Court as to whether the petitioner was subjected to an Invalidating Board before issuing the order of discharge and if so, the proceedings before the Invalidating Board be placed before this Court on the next date fixed.

List again on 18.09.2024.

JUDGE

Comparing Assistant