

GAHC010178772025



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

Case No. : WP(C)/4772/2025

MOHOSIN AHMED LASKAR
S/O- LATE ABDUL LATIF LASKAR, R/O- H.NO-46, WARD NO-7, WATER
WORKS ROAD, P.O AND P.S- SILCHAR, ASSAM, PIN-788001

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI-06 ,ASSAM

2:THE COMMISSIONER AND SPECIAL SECRETARY
TO THE GOVT. OF ASSAM
PWRD DEPARTMENT
DISPUR
GUWAHATI-06
ASSAM

3:THE DEPUTY SECRETARY
TO THE GOVT. OF ASSAM
PWRD DEPARTMENT
ESTABLISHMENT BRANCH
DISPUR
GUWAHATI-06
ASSA

Advocate for the Petitioner : MR. V A CHOWDHURY, MR. J PATOWARY

Advocate for the Respondent : SC, P W D, GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA
ORDER

22.08.2025

Heard Mr. J Patowary, learned counsel for the petitioner.

Issue Notice, returnable by 4 (four) weeks.

Since Mr. R. Dhar, learned Standing Counsel, Public Works (Road) Department represents all the respondents, therefore, notices are waived. However, extra copies be furnished within 1 (one) week from today.

It is submitted that the petitioner's case was also considered along with other candidates within the zone of consideration but his case was kept in a sealed cover in view of investigation carried on in Vigilance P.S. Case No.01/2024. The result of the selection board/committee in respect of the petitioner has been withheld. It is the submission of the learned counsel for the petitioner that he fulfills all the criteria and comes within the required zone of consideration including his position in the seniority list and therefore, had his case not been kept in sealed cover, he would have been promoted. It is his submission that on the date the Selection Committee held its meeting and had put his case in a sealed cover, there was no charge sheet filed in the vigilance case against the petitioner. Therefore, it is submitted that no sealed cover procedure was called as far as the petitioner is concerned. Such action of the respondent authority is in conflict with the law laid down by the Apex Court in *Union of India vs. KV Janakiraman* reported in (1991) 4 SCC 109. Learned counsel for the petitioner, therefore, submits that the respondents be directed to keep one post vacant in the cadre of Executive Engineer (Civil), PW(R)D.

Having heard the learned counsel for the parties and upon perusal of the materials before the Court, it is seen that petitioner's case was kept in a sealed cover. However, as no charges have been framed in the vigilance case, unless cognizance is taken by the competent criminal court, the petitioner's case is not required to be kept in a sealed cover in terms of the law laid down by *KV Janakiraman (supra)*.

Under such circumstances, in the interest of justice, this Court directs that one post in the cadre of Executive Engineer (Civil), PW(R)D, shall be kept vacant and shall not be filled up till the next date of listing.

List this matter again on 15.09.2025.

JUDGE

Comparing Assistant