

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

17.09.2025

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

From the minutes of the Selection Board meeting held on 06.03.2025, which is enclosed as Annexure-10 to the writ petition, it is seen that the Selection Board recorded in its minutes that except for the petitioner and some other officers mentioned in the said minutes, there is no departmental proceedings/criminal proceedings or vigilance case found contemplated or outstanding.

Learned counsel for the petitioner, therefore, submits that it is apparent that the case of the petitioner has been put in sealed cover as the Department was informed that the vigilance case has been contemplated or filed against the petitioner and as a consequence thereof sealed cover procedure followed which is contradictory to law laid down by the Apex Court in *Union of India vs. KV Jankiraman* reported in (1991) 4 SCC 109 and subsequent judgments as well as Office Memorandum dated 09.06.2006 which is annexed as Anneuxre-13 of the writ petition issued by the Department of Personnel(B), Government of Assam.

In that view of the matter, the matter stands deferred to be listed again on 29.10.2025. The respondents are hereby directed to clarify whether, at the time the sealed cover procedure was invoked in respect of the petitioner, any charge sheet had been submitted or cognizance had been taken by a criminal court of competent jurisdiction in relation to the writ petitioner.

List accordingly.

JUDGE

Comparing Assistant