

GAHC010200872025



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

Case No. : WP(C)/5300/2025

NEKIBUDDIN AHMED
S/O- TAHER ALI, R/O- VILL- 2.NO. JAHAL BARALABARI, P.S- CHANGSARI,
DIST- KAMRUP, ASSAM, GUWAHATI-781101, ASSAM

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE PRINCIPAL SECRETARY, GOVERNMENT OF ASSAM, ANIMAL
HUSBANDRY AND VETERINARY DEPARTMENT
ASSAM SACHIVALAYA, DISPUR, P.S.-DISPUR, GUWAHATI-781006, DIST-
KAMRUP (M), ASSAM

2:THE DIRECTOR

ANIMAL HUSBANDRY AND VETERINARY
ASSAM
CHENIKUTHI
P.O.-CHENIKUTHI
P.S.-CHANDMARI
DIST- KAMRUP (M)
ASSAM
PIN-781003

3:THE DISTRICT ANIMAL HUSBANDRY AND VETERINARY OFFICER

NAGAON
P.O AND DIST- NAGAON
ASSAM
PIN-78200

Advocate for the Petitioner : MS. K L R YANTHAN, MR. R MAJUMDAR,MS. J GHOSH

Advocate for the Respondent : SC, A.H and V. DEPT.,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

24.02.2026

Heard Mr. R. Majumdar, learned counsel for the petitioner. Also heard Mr. J.K.S. Goswami, learned Addl. Senior Government Advocate for the respondents.

2. This writ petition is directed against the impugned order dated 08.01.2024, whereby the petitioner has been placed under suspension as per Rule 6(2) of the Assam Service (Discipline & Appeal) Rules 1964, w.e.f. 01.11.2023.

3. The pleadings in the matter are complete.

4. During the course of the hearing, it has come to the notice of the Court that there is an appellate provision prescribed under the Rules of 1964. Rule 14 of the Rules of 1964 prescribes for appeals against the order of suspension. Rule 14 reads as under:

“14. Appeal against orders of suspension.

A Government servant may appeal against an order of suspension of the Authority to which the authority, which made or is deemed to have made the order, is immediately subordinate.”

5. There is no averment in the writ petition as to why the appellate provision

prescribed under Rule 14 of the Rules of 1964 would not be an adequate forum for remedy for the redressal of the grievances of the writ petitioner.

6. Under such circumstances, this Court is of the view that in the face of statutory provision under the Rules, which are the Rules framed under Article 309 of the Constitution of India, the petitioner is permitted to prefer an appeal under Rule 14 before the appropriate authority. The petitioner will prefer an appeal before the appellate authority as prescribed under the schedule appended to the Act within a period of 14 days. Any appeal that is preferred before the authorities will be disposed of as expeditiously as possible, preferably within a period of 90 days from the date of receipt of a certified copy of this order.

7. Needless to say, any such order that is passed in the appeal preferred, copy thereof, should be furnished to the writ petitioner.

8. Any opportunity of personal hearing, if so required, can also be prayed for by the petitioner upon which the appellate authority will grant the personal hearing to the petitioner as prayed for.

9. In terms of the above this writ petition disposed of.

JUDGE

Comparing Assistant