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

Case No. : WP(C)/6311/2024

NABANITA SHARMA
W/O RANDHIR GOSWAMI,
RESIDENT OF HOUSE NO. 4, BYE LANE NO. 6, ZOO ROAD TINIALI, HRIDAY
RANJAN PATH, PO GEETANAGAR, DIST KAMRUP M ASSAM 781003

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT.
OF ASSAM, HOME AND POLITICAL DEPARTMENT JANATA BHAWAN,
DISPUR GUWAHATI 06

2:THE SECRETARY
TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT JANATA BHAWAN
DISPUR GUWAHATI 06

3:THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT JANATA BHAWAN
DISPUR GUWAHATI 0

Advocate for the Petitioner : MR. T DEURI, MR A ATREYA, MRS. R S DEURI, MS A DAS, MS. L WANGSA, MR D S DEKA, MR. K N CHOUDHURY

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 29/11/2024

Heard Mr. K.N. Choudhury, learned senior counsel assisted by Mr. T. Deori, learned counsel for the writ petitioner. Perused the averments made in the writ petition.

The core issue raised in this writ petition pertains to the question as to whether, a departmental proceeding and a criminal case can proceed simultaneously if the same are based on the same set of charges, similar facts-situation and is sought to be established by the Department/Prosecution by examining the same set of witnesses.

Mr. Choudhury submits that batch of writ petitions raising the same question of law is pending before this Court wherein, the State has sought time to respond. In those writ petitions, interim order of stay of the departmental proceeding are operating. As such, this case be also admitted and an order be passed protecting the interest of the petitioner.

Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, Assam, has candidly submitted that the matter is being examined by the Government and appropriate response in the batch of writ petitions will be submitted within a short time. The learned Government Advocate, therefore, submits that this writ petition can be admitted and taken up along with other connected writ petitions.

In view of the above, issue notice of motion returnable in three weeks.

Since Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, Assam, has appeared and accepted notice on behalf of all the respondents, no formal notice is required to be sent in this case. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel within three days from today.

Heard on the prayer of interim relief.

Perused the order dated 30/10/2024 passed by this Court in a similar writ petition being WP(C)

5483/2024 wherein, the departmental proceeding has been stayed.

Having regard to the facts and circumstances of the case and in the interest of uniformity of judicial orders, it is hereby provided that the departmental proceeding *qua* the writ petitioner, shall remain suspended until further order(s).

Registry to list this case along with WP(C) 5483/2024 and the batch of connected writ petitions.

JUDGE

Sukhamay

Comparing Assistant