

GAHC010257272024



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

Case No. : WP(C)/6439/2024

WAHIDA BEGUM
D/O- IBRAHIM ALI,
R/O- ECSTACY APARTMENT, FLAT NO-5, C-2, LAKHIMI NAGAR,
HATIGAON, P.S- DISPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DEPARTMENT FINANCE , DISPUR, GUWAHATI- 06.

2:THE SECRETARY
TO THE GOVT. OF ASSAM
DEPARTMENT OF FINANCE (TAXATION)
DISPUR
GUWAHATI- 06.

3:THE ADDITIONAL SECRETARY
TO THE GOVT. OF ASSAM
DEPARTMENT OF FINANCE (TAXATION)
DISPUR
GUWAHATI- 06

4:THE COMMISSIONER OF TAXES
GOVT. OF ASSAM
KAR BHAWAN
GANESHGURI
DISPUR
GUWAHATI- 0

Advocate for the Petitioner : MR N K SARMA, MS D MAHANTA,MR H K DAS,B SAIKIA
Advocate for the Respondent : SC, FINANCE AND TAXATION,

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

04-12-2024

Heard Mr. H. K. Das, learned counsel for the petitioner, who submits that by filing this writ petition the petitioner has challenged the departmental proceeding initiated against the petitioner vide show-cause notice dated 30.11.2023 pursuant to the One Man Inquiry Commission Report dated 12.09.2023 regarding certain anomalies in the appointment of the petitioner and others similarly situated persons. The learned counsel submits that a criminal proceeding has also been initiated on the same set of facts and with the same witnesses simultaneously and unless the instant proceeding initiated departmentally is stayed to the petitioner is bound to be gravely prejudiced. The learned counsel submits that in the case of similar nature by which proceeding was initiated pursuant to the One Man Inquiry Commission Report when an interim protection has been granted by this Court staying the departmental proceeding and therefore a similar order may be passed in the instant case as well. The petitioner places his reliance to the order dated 25.11.2024 passed in WP(C)/6191/2024 (Jayanta Doley Vs State of Assam & 3 Ors).

In view of above, issue notice of motion, returnable by 4 (four) weeks.

Mr. B. Choudhury, learned State Counsel accepts notice on behalf of all the respondents.

Petitioner to serve requisite extra copies of the writ petition to him within 3 (three) days.

Having regard to the projection made by the petitioner, it is provided as an *ad interim* measure that the departmental proceeding initiated against the petitioner vide the show-cause notice dated 30.11.2023 shall remain suspended till the next returnable date.

List the matter again after **4 (four) weeks** along with **WP(C)/6191/2024**.

JUDGE

Comparing Assistant