

GAHC010288082025



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

Case No. : WP(C)/529/2026

SHANAI MIA CHOUDHURY
S/O- LATE TAJAMUL ALI CHOUDHURY, R/O- VILL.- MAJIRGRAM, P.O. AND
P.S. SONAI, DIST. CACHAR, ASSAM, PIN- 788119, FORMERLY POSTED AS
SHERISTADAR, OFFICE OF THE ADDITIONAL DISTRICT AND SESSIONS
JUDGE (POCSO), CACHAR, SILCHAR (UNDER COMPULSORY
RETIREMENT).

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
JUDICIAL DEPARTMENT, DISPUR, GUWAHATI-781006, ASSAM

2:THE DISTRICT AND SESSIONS JUDGE
CACHAR
SILCHAR
DIST- CACHAR
ASSAM

3:THE CHIEF JUDICIAL MAGISTRATE
CACHAR
SILCHAR (ENQUIRY OFFICER IN D.P. CASE NO. 02/2024)
DIST. CACHAR
ASSA

For the Petitioner(s) : Mr. A. Y. Choudhury, Advocate

For the Respondent(s) : Mr. H. K. Das, SC, GHC
: Mr. S. S. Roy, Government Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 09.02.2026

Issue notice making it returnable on 12.02.2026.

2. Mr. S. S. Roy, the learned Government Advocate accept notice on behalf of the Respondent No.1 and Mr. H. K. Das, the learned Standing counsel of the Gauhati High Court accepts notice on behalf of the Respondent Nos. 2 and 3.

3. As the Respondents are duly represented, extra copies of the writ petition be served upon them during the course of the day.

4. The grievance of the Petitioner herein is that a Departmental Proceedings being D.P. Suit/Case No.02/2024 has been initiated against the Petitioner. Pursuant to the Departmental Proceedings being initiated, the Petitioner had submitted the statement of defence. An enquiry was conducted and in the enquiry, the charges framed against the Petitioner were stated to have been proved.

5. The Petitioner was issued a Show Cause Notice on 12.03.2025 asking the Petitioner to show cause within 7 (seven) days as to why he should not be imposed penalties in respect to the said Departmental Proceedings. The Petitioner sought for the Enquiry Report but the same was not furnished. It is the case of the Petitioner that without furnishing the said Enquiry Report, the Petitioner was compulsorily retired by imposing the major penalty of compulsory retirement in terms with Rule 7(v) of the Assam Services (Discipline and Appeal) Rules, 1964 vide the

order dated 25.03.2025. Being aggrieved, the Petitioner has approached this Court alleging violation to the principles of natural justice as well as also the violation of Article 311(2) of the Constitution of India.

6. The learned counsel for the Petitioner also submitted that it is no longer res-integra that the enquiry report has to be furnished and in that regard, has referred to the judgment of the Supreme Court in the case of ***Managing Director, ECIL, Hyderabad and Others Vs. B. Karunakar and Others reported in (1993) 4 SCC 727.***

7. Taking into account the settled principles of law, the only instruction which is required is as to whether the imposition of the punishment upon the Petitioner vide the order dated 25.03.2025 was preceded by furnishing the Enquiry Report to the Petitioner.

8. List accordingly.

JUDGE

Comparing Assistant