

GAHC010168362024



AS:12867-DB

2024:GAU-

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

Case No. : WA/345/2024

PHULENDRA KALITA
S/O LATE KASHINATH KALITA, INSPECTOR OF SCHOOL, BARPETA (LAST
PLACE OF POSTING), PRESENTLY UNDER SUSPENSION, R/O- VILL.
JYOTINAGAR, PS AND PO- PATSHALA, DIST.- BARPETA, ASSAM, PIN-
781325.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY, TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION (SECONDARY EDUCATION),
BLOCK-C, ASSAM CIVIL SECRETARIAT, JANATA BHAWAN, DISPUR,
GUWAHATI, ASSAM, PIN- 781006.

2:THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
ASSAM CIVIL SECRETARIAT
DISPUR

GUWAHATI
ASSAM
PIN- 781006.

3:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
ASSAM

PIN- 781019.

4:THE INSPECTOR OF SCHOOLS

BARPETA DISTRICT CIRCLE
BARPETA
ASSAM.

5:THE ACCOUNTANT GENERAL
A AND E
ASSAM
MAIDAMGAON
GUWAHATI
ASSAM

PIN- 781029.

6:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF FINANCE
ASSAM CIVIL SECRETARIAT
DISPUR

GUWAHATI
ASSAM

For petitioner(s)/appellant(s) : Mr. B. Purkayastha, Advocate

For respondent(s) : Mr. R. Mazumdar, SC, Education
Mr. B. Sharma, Advocate
Ms. R.B. Bora, Jr. GA, Assam

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

18.12.2024

(Vijay Bishnoi, CJ)

This writ appeal is preferred on behalf of the appellant being aggrieved with the judgment and order dated 20.06.2024, passed by the learned Single Judge in WP(C) 3403/2023, whereby the writ petition filed by the appellant has been dismissed.

The appellant approached the writ court being aggrieved with the order dated 31.03.2023, whereby the appellant was dismissed from service on his conviction in a criminal proceedings initiated against him. The respondent authorities had dismissed

the appellant from service by invoking the powers conferred under the 2nd proviso to Article 311(2)(a) of the Constitution of India, read with Rule 10(i) of the Assam Services (Discipline & Appeal) Rules, 1964 (hereinafter to be referred to as "Rules of 1964").

The learned Single Judge has held that there is no illegality in the decision of the respondent authorities in imposing the penalty of dismissal from service against the appellant and the action of the respondents is in consonance with the 2nd proviso to Article 311(2) of the Constitution of India, read with Rule 10 of the Rules of 1964.

Having heard the learned counsel for the parties and after going through the material available on record, we do not find any infirmity in the impugned judgment and order passed by the learned Single Judge. Hence, no case for interference is made out.

Accordingly, the writ appeal is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant