

GAHC010244112023



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

Case No. : WP(C)/6344/2023

BUDDHA KATAKY
S/O- LATE ASWINI KAKATY,
R/O- J.B. ROAD, AMOLAPATTY, NAGAON,
P.S.- NAGAON SADAR,
P.O.- NAGAON,
DISTRICT- NAGAON, ASSAM,
PIN- 782001.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
EDUCATION (ELEMENTARY) DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE ADDITIONAL SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF SCHOOL EDUCATION
GUWAHATI-6.

3:THE DIRECTOR OF SCHOOL EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019.

4:THE DEPUTY COMMISSIONER
KAMRUP(METRO)
GUWAHATI- 781001.

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
KAMRUP(METRO)

GUWAHATI
DISTRICT- KAMRUP(METRO)
ASSAM
PIN- 782002

Advocate for the Petitioner : MR T H HAZARIKA

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

22.04.2024

Heard Mr. T.H. Hazarika, learned counsel for the petitioner. Also heard Mr. G. Pegu, learned Standing Counsel, Elementary Education.

This writ petition is filed by the petitioner putting to challenge the suspension order dated 06.03.2023 pursuant to his arrest and detention in connection with ACB Police Case No. 10/2023 under section 7(a) of the Prevention of Corruption Act, 1988, since the date of suspension the petitioner continued to be under suspension. Being aggrieved, the present writ petition has been filed challenging the said suspension order on the ground that the same has been violative in the Law laid down by the Apex Court in the case of ***Ajay Kumar Choudhary Vs Union of India through its Secretary and another***, read with judgments passed by this Court.

Earlier, opportunities were granted to the respondents to obtain their

required instructions in the matter. And today, when the matter is called up the learned Standing Counsel, Elementary Education has placed before the Court the communication dated 22.04.2024 to avail that the Disciplinary Committee which was constituted to proceed departmentally against the petitioner and submitted his report. The matter is presently pending before the Disciplinary Authority and awaiting further orders.

Under such circumstances, this Court is of the considered view that since the Departmental Proceedings have already been initiated, the enquiry has been completed and the enquiry report has also been submitted, the Disciplinary Authority/Competent Authority should proceed to pass necessary orders pursuant to the report submitted by the Enquiry Officer. While passing such necessary orders the Departmental authority will also decide on the question of the writ petitioner shall be continued to be under further suspension and pass necessary speaking orders thereon. Any such order that is passed copies thereof be served on the writ petitioner.

The entire exercise will be completed within a period of 2 (two) weeks from the date of receipt of the certified copy of this order.

The writ petition, accordingly, stands disposed of in terms of the above.

JUDGE

Comparing Assistant