GAHC010180092026

2026:GAU-AS:16397

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

Case No. : Review.Pet./136/2026

JAYANTA DOLEY
S/O- LOLSING DOLEY,R/O- HOUSE NO.115, SUSHILA PATH, KAINADHARA, UDAYNAGAR, KHANAPARA, GUWAHATI-7810 22

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, HOME POLITICAL DEPARTMENT, DISPUR, GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE SECRETARY TO GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI- 781006.

4:THE ADDITIONAL SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE (TAXATION) DEPARTMENT
DISPUR
GUWAHATI- 781006

Linked Case : Review.Pet./143/2026

SAURAV PRAN SHARMA
S/O- SURESH CH. SHARMA
R/O- BARPETA ROAD
WARD NO 2
RAMKRISHNA CENTRE ROAD
PO BARPETA ROAD P.S. BARPETA ROAD
DISTRICT- BARPETA

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
EXCISE DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE SECRETARY
GOVERNMENT OF ASSAM
EXCISE DEPARTMENT
DISPUR
GUWAHATI-781006

4:THE JOINT SECRETARY
TO THE GOVERNMENT OF ASSAM
EXCISE DEPARTMENT
DISPUR
GUWAHATI-781006.

Linked Case : Review.Pet./147/2026

SHRI GITTARTHA BARUAH
SON OF LATE HEM BARUAH
RESIDENT OF BAKUL PATH
GAJAPATI VILA
NEAR NH-37
JALUKBARI
GUWAHATI

POLICE STATION-JALUKBARI
DISTRICT- KAMRUP METRO
ASSAM
PIN- 781013

VERSUS

THE STATE OF ASSAM AND ORS.
REPRSENTED.BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
SKILL
EMPLOYMENT AND ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI PIN-781006.

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
SKILL
EMPLOYMENT AND ENTREPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI
PIN- 781006.

3:THE DIRECTOR
DIRECTORATE OF EMPLOYMENT AND CRAFTSMEN TRAINING
ASSAM
REHABARI
GUWAHATI
PIN- 781008

Linked Case : Review.Pet./142/2026

NANDINI KAKATI AND 12 ORS.
D/O RIPUNJAY KAKATI R/O FLAT NO 27
BLOCK D
SASHIKUNG APARTMENT
SURVEY
BELTOLA ROAD
PSHATIGAON
DIST- KAMRUP METRO
ASSAM

2: AOICHARJYA JIBON BARUAH
S/O APURBA JIBON BARUAH
R/O. HOUSE NO.13
ABC
TARUN NAGAR

OPP. SWADESHI ACADEMY
GUWAHAI
P.O. DISPUR
DISTRICT KAMRUP M
ASSAM-781005

3: KULA PRADIP BHATTACHARYYA
S/O HEMANTA BHATTACHARYYA
R/O. HOUSE NO 7
UDAYANPATH 2
TRIPURA ROAD
BELTOLA
PS-BASISTHA
DIST- KAMRUP METRO
ASSAM

4: RUMIR TIMUNGPI
S/O MANGAL SING TIMUNG
R/O RANG MAHAL
WARD NO 6
PS-DIPHU
DISTKARBI ANGLONG
ASSAM

5: FARUK AHMED
S/O LATE MAFIJUDDIN AHMED
VILL. SHOTKHIL
PO- MORANJANA
PS. RANGIA
DIST- KAMRUP
ASSAM

6: KALYAN KUMAR DAS
S/O BINANDI DAS
R/O GARO BASTI
8TH MILE
BACK SIDE OF GANESH MANDIR
KHANAPARA
PS.- BASISTHA
DIST- KAMRUP METRO
ASSAM

7: ANAL JYOTI DAS
S/O BINAY KUMAR DAS
R/O VILLSANTINAGAR
PO- BALADMARI
PS AND DIST- GOALPARA
ASSAM

8: SUKANYA DAS

W/O MR. KRISHNA BORDEURI
R/O BYLANE NO.3
GORCHUK
CHARIALI
DISTRICT KAMRUP M
ASSAM
PIN-781035

9: PUSKAL GOGOI
S/O LATE PRADIP GOGOI
R/O. 2 NO. MIRIHULA VILLAGE
MORANHAT
DIBRUGARH
ASSAM
PIN-785670

10: SAJAHAN SARKAR
S/O. LT. LATE GOAM SARWAR SARKAR
R/O. HOUSE NO.3
BYE LANE NO.2
KAILASH NAGAR
BHETAPARA ROAD
HATIGAON
GUWAHAI-781038

11: DIPANKAR DUTTA LAHKAR
HOUSE NO.6
LAKSHMIPATH
RUPNAGAR
GUWAHATI
INDRAPUR BHANGAGARH
KAMRUP METRO
ASSAM

12: NITU MANI DAS
S/O SRI RAMANI MOHAN DAS
R/O. FATASHIL AMBARI
A.K. DEV ROAD
NEAR TULA FACTORY
GUWAHATI781025

13: NILANJAL GOGOI
S/O- LATE GANGA DHAR GOGOI
R/O- FLAT NO. 2H
CENTURY APARTMENT

GANESHGURI
G S ROAD
NEAR KAR BHAVAN
PO-ASSAM SACHIVALAYA
PS- DISPUR
DISTRICT- KAMRUP METRO
ASSAM-781006.
VERSUS

THE STATE OF ASSAM AND ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
HOME POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
HOME A AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE SECRETARY TO GOVERNMENT OF ASSAM
GOVERNMENT OF ASSAM
HOME A AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006 RESPONDENTS

4:NABANITA SHARMA
W/O RANDHIR GOSWAMI R/O HOUSE NO.4
BYE LANE NO.6
ZOO ROAD TINIALI
HRIDAY RANJAN PATH
P.O. GEETANAGAR
DIST. KAMRUP M
ASSAM-781003

5:AMIT RAJ CHOUDHURY
S/O. PARESH CHOUDHARY
R/O NABADAY APARTMENT-2D
SINAKI PATH
MOTHER TERESA GUWAHATI -24

6:ASSEMA KALITA
D/O MADAN KALITA
R/O H. NO.3
PRABHAT BARMAN PATH
JATIA KAHILIPARA

P.O. ASSAM
SACHIBALAYA
DISPUR
DISTRICT KAMRUP M
ASSAM-781022

7:RITURAJ DOLEY
S/O RANJIT KUMAR DOLEY
R/O. HOUSE NO.9
CHACHAL SIXMILE
P.S. DISPUR
DIST. KAMRUP M
ASSAM-781022 .PROFORMA RESPONDENTS

Linked Case : Review.Pet./148/2026

CHAKRADHAR DEKA AND ANR.
S/O- LATE BRAJANATH DEKA
R/O- VILL- BANGAON
P.O-BANGAON
P.S- PATHSALA
DISTRICT
BAJALI
ASSAM-781375

2: BIKASH SARMA
S/O- SRI NARAYAN CHANDRA SARMA
R/O- VILL. BAMUNDI
P.O- BAMUNDI
P.S.- SUALKUCHI
DISTRICT- KAMRUP
ASSAM-781103
VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006.

2:THE ADDITIONAL SECRETARY
GOVERNMENT CHIEF OF ASSAM
CO-OPERATION DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-781006

3:THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF ASSAM
COOPERATION DEPARTMENT
ASSAM SECRETARIAT (CIVIL)
DISPUR
GUWAHATI-781006

4:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
COOPERATION DEPARTMENT
BLOCK-C
4TH FLOOR
JANATA BHAWAN
DISPUR
GUWAHATI-781006

Linked Case : Review.Pet./146/2026

PRIYANKA DEKA
W/O- BIKASH TALUKDAR
R/OBARKURIHA VILLAGE
NEAR GOPINATH MANDIR
MOROWA KAMALPUR ROAD
P.O.-NALBARI
P.S.-NALBARI
DIST.- NALBARI
ASSAM-781348

VERSUS

THE STATE OF ASSAM AND ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
THE HOME POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
FINANCE TAXATION DEPARTMENT
DISPUR
GUWAHATI781006.

3:THE SECRETARY TO GOVERNMENT OF ASSAM
FINANCE DEPARTMENT

DISPUR
GUWAHATI-781006.

4:THE ADDITIONAL SECRETARY TO GOVERNMENT OF ASSAM
FINANCE TAXATION DEPARTMENT
DISPUR
GUWAHATI-781006. .RESPONDENTS

5:WAHIDA BEGUM
D/O.- IBRAHIM ALI
RESIDENT OF ECSTACY APARTMENT
FLAT NO-5
-2
LAKHIMI NAGAR
HATIGAON
P.S.- DISPUR
ASSAM .PROFORMA RESPONDENTS

Linked Case : Review.Pet./182/2026

MRIDUL HAZARIKA AND ANR.
S.O.- HEMKANTA HAZARIKA
R.O.- H.NO- 13
BHASKAR NAGAR
ZOO ROAD
BYE LANE -2
P.O.-BAMUNIMAIDAN
P.S- GEETANAGAR
DISTRICT- KAMRUP
ASSAM-781021

2: RAKESH DAS
S.O.- BHAGABAN DAS
R.O.- H.NO-45
6TH MILE
SASAL MANMUGDHA NAGAR
P.O.-KHANAPARA
P.S- DISPUR
DISTRICT-KAMRUP METRO
ASSAM -781022
VERSUS

THE STATE OF ASSAM AND OTHERS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM
HOME AND POLITICAL DEPARTMENT

DISPUR
GUWAHATI-781006

2:THE PRINCIPAL SECRETARY

TO THE GOVERNMENT OF ASSAM
SKILL EMPLOYMENT ENTERPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE SECRETARY

TO GOVERNMENT OF ASSAM
SKILL EMPLOYMENT ENTERPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI-781006.

4:THE ADDITIONAL SECRETARY
TO THE GOVERNMENT OF ASSAM
SKILL EMPLOYMENT ENTERPRENEURSHIP DEPARTMENT
DISPUR
GUWAHATI-781006.

Linked Case : Review.Pet./145/2026

DR HITESH MAZUMDAR AND 2 ORS.
S/O. LATE ANANGA MOHAN MAZUMDAR C/O BHAGABAN CH. DAS
R/O NO. 2 MATHGHARIA
MOTHER TERESA ROAD
NEAR SAI APARTMENT
PO- NOONMATI
PSNOONMATI DIST- KAMRUP METRO PIN-781020

2: AKASHEE DUWARAH
D/O. H. K. DUWARAH
R/O HOUSE NO 141
WARD NO 12
ROAD
KESHAB CHANDRA GOSWAMI PATH
P/S. AND DIST.- NORTH LAKHIMPUR
ASSAM

3: DHRUBAJYOTI HATIBARUAH
S/O ARUN HATIBARUAH
R/O VILL- SEUJIA PATHAR
PO- MACHKHOWA

PS DHEMAJI
DIST- DHEMAJI ASSAM
VERSUS

THE STATE OF ASSAM AND ORS.
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
HOME POLITICAL DEPARTMENT
DISPUR
GUWAHATI-781006

2:THE PRINCIPAL SECRETARY
GOVERNMENT OF ASSAM
PERSONNEL A DEPARTMENT
BLOCK -A
JANATA BHAWAN
DISPUR
GUWAHATI-781006.

3:THE COMMISSIONER AND SECRETARY TO GOVERNMENT OF ASSAM
PERSONNEL A DEPARTMENT
BLOCK-A
JANATA BHAWAN
DISPUR
GUWAHATI-781006.

4:THE SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL A DEPARTMENT
DISPUR
GUWAHATI-781006.

5:DHIRAJ KUMAR JAIN
S/O PAWAN KUMAR JAIN
R/O. VILLAGE BIJOY NAGAR
PALASHBAR
DIST. KAMRUP
ASSAM -781122.

BEFORE

HONOURABLE MR. JUSTICE DEVASHIS BARUAH

Advocate for the Petitioner (s) : Mr. A. Choudhury,
Sr. Advocate
Ms. Imsenkala, Advocate
Mr. T. Deuri, Advocate

Advocate for the Respondent (s): Mr. N. Kohli, Sr. Advocate
Mr. D. Nath,
Sr. Govt. Advocate
Mr. S. P. Das, SC,
Employment and
Cooperative and Craftsman

Date on which judgment is reserved : NA

Date of pronouncement of judgment : **05.11.2026**

Whether the pronouncement is of the
Operative part of the judgment? : Yes

Whether the full judgment has been
Pronounced? : No.

JUDGMENT AND ORDER (ORAL)

Heard Mr. A. Choudhury, the learned Senior Counsel assisted by Ms. Imsenkala and Mr. T. Deuri, the learned counsels appearing on behalf of the Review Applicants. Mr. N. Kohli, the learned Senior Counsel assisted by Mr. D. Nath, the learned Senior Government Advocate appears on behalf of Respondents and Mr. S. P. Das, the learned Standing Counsel appears on behalf of the Employment

and Cooperative and Craftsman.

2. All these Review Applications are taken up together for disposal pursuant to the order passed by this Court on 13.10.2026.

3. At the outset, before deciding the Review Applications, it is relevant to take note of the submission of Mr. A. Choudhury, the learned Senior Counsel appearing on behalf of the Review Applicants including the Review Applicants in Review Petition No.148/2026.

4. Mr. A. Choudhury, the learned Senior Counsel submitted that the Review Applicant No.1 in Review Petition No.148/2026 would not like to pursue the present Review Application in as much as it was inadvertently filed on a wrong assumption that the Writ Petition filed by the Review Applicant No.1 being the WP(C) No.5750/2024 was disposed of vide the common judgment and order dated 01.04.2026. The learned Senior Counsel therefore submitted that the Review Petition being Review Petition No.148/2026 be confined only as an application filed by the Review Applicant No.2, and accordingly, the name of the Review Applicant No.1 be struck off.

5. Taking into account the said submission and further perusing the records of WP(C) No.5750/2024 and the common judgment and order dated 01.04.2026 passed in ***Aoicharjya Jibon Baruah vs.***

State of Assam & Oth*ers**, reported in ***2026 SCC OnLine Gau 2673, this Court strikes off the name of the Review Applicant No.1 and the said Review Petition being Review Petition No.148/2026 shall only be construed as a Review Petition filed by the Review Applicant No.2, i.e. Sri Bikash Sarma. The learned counsel appearing on behalf of the Review Applicants in Review Petition No.148/2026 is directed to file a fresh Memo of Parties before the Registry of this Court and the Registry shall on the basis thereof make necessary correction in the cause title of the Review Petition No.148/2026 and update the same in the CIS.

THE REVIEW SOUGHT FOR:

6. The Review Petitions are filed seeking limited review of the common judgment and order dated 01.04.2026 passed in ***Aoicharjya Jibon Baruah (supra),*** i.e., only to the extent of the directions passed in Paragraph No.139(xii). The said paragraph No.139(xii) of the judgment and order passed in ***Aoicharjya Jibon Baruah (supra)*** is reproduced herein under:-

> "*139. (xii) The Petitioners, having given up the plea as regards the legality and validity of the parallel continuation of the departmental proceedings pending the criminal proceedings, it is observed that the Petitioners are debarred from raising such contention in future.*"

SUBMISSIONS MADE ON BEHALF OF THE LEARNED COUNSELS FOR THE PARTIES:

7. Mr. A. Choudhury, the learned Senior Counsel appearing on behalf of the review Petitioners submitted that pursuant to the liberties so granted by this Court in the case of ***Aoicharjya Jibon Baruah (supra)***, the departmental proceedings which were initiated against the Review Petitioners were dropped and fresh departmental proceedings have been initiated by issuance of fresh Show Cause Notices.

8. The learned Senior Counsel submitted that in view of the bar contained in Paragraph No. 139 (xii) of the judgment sought to be reviewed, an absolute and blanket bar in future is imposed thereby debarring the Review Petitioners from challenging the legality and validity of parallel continuation of the departmental proceedings pending criminal proceedings in the criminal proceedings being registered as Special Case No.2/2017 arising out of Dibrugarh P.S. Case No.936/2016.

9. The learned Senior Counsel for the Review Petitioners submitted that the bar contained in Paragraph No.139(xii) may at best apply qua the same cause of action, i.e. the challenge to the Show Cause Notice dated 30.11.2013 and the challenge to the suspension order dated 30.11.2013, but upon the dropping of the

said departmental proceedings, a fresh Show Cause Notice having been issued to all the Review Petitioners, the unqualified bar contained in Paragraph No.139(xii) from challenging the legality and validity of parallel continuation of departmental proceedings pending the criminal proceedings in future requires to be reviewed/recalled in as much as it is an error apparent on the face of the record.

10. The learned Senior Counsel for the Review Petitioners further submitted that the bar containing Paragraph No.139(xii) offends the public policy and tantamount to effectively denying specific remedy permanently, and as such, the directions so passed in Paragraph No.139(xii) of the judgment sought to be reviewed is an error apparent on the face of the judgment, and therefore, deserves to be recalled, reviewed and/or deleted from the judgment under review.

11. The learned Senior Counsel further submitted that the High Court's power of review of its own order inheres in the High Court having plenary jurisdiction to prevent miscarriage of justice where there exists an error on the face of the record and when the interest of justice so demands.

12. Mr. N. Kohli, the learned Senior Counsel appearing on behalf of the Respondents, on the other hand, submitted that the review

jurisdiction is narrow and does not permit re-agitating/reconsideration of claims which were willingly abandoned/withdrawn by the review Petitioners. The learned Senior Counsel submitted that the Petitioners have made concessions/given up arguments on the aspect of parallel continuation of the disciplinary and criminal proceedings, and therefore, now cannot raise the same and contended that the observations made in Paragraph No.139(xii) of the common judgment and order dated 01.04.2026 passed in ***Aoicharjya Jibon Baruah (supra)*** infringe on their right to access justice.

13. The learned Senior Counsel for the Respondents further submitted that the present review petitions are classic examples where a party had chosen to approbate and reprobate on the same facts and taking inconsistent shifting stance. The learned Senior Counsel further submitted that the conduct of the Petitioners amounts to an abuse of the process of Court and an attempt to initiate vexatious proceedings expending precious judicial time with the sole objective to delay the departmental proceedings initiated qua the Petitioners.

14. The learned Senior Counsel for the Respondents submitted that a perusal of the pleadings in the Review Petitions would also show that the concessions which were made before the Court are

now sought to be withdrawn by making incorrect statements. The learned Senior Counsel submitted that it is the trite principle of law that when a statement appears in the judgment of a Court that a particular thing happened or did not happen before it, it ought not ordinarily to be permitted to be challenged by a party unless, of course, both the parties to the litigation agreed that the statement is wrong or the Court itself finds that the statement is erroneous. Referring to the judgment of the Supreme Court in the case of ***Bank of Bihar vs. Mahabir Lal Ltd. & Others***, reported in ***1963 SC OnLine SC 209***, the learned Senior Counsel submitted that the Supreme Court held that a statement of fact recorded in a judgment as to what transpired in the Court including concessions made by the counsel are conclusive and cannot be contradicted by affidavit or other evidence.

15. The learned Senior Counsel further submitted that in the instant case, the Petitioners do not contend that this Court recorded the proceedings of 07.03.2026 incorrectly, rather it is the contention of the Petitioners that the concessions were made by the counsel in the connected matters. The learned Senior Counsel further submitted that now the counsel has changed and different submission is sought to be advanced which cannot be permitted. The learned Senior Counsel further submitted that when the writ petitions were listed on 07.03.2026 and upon the query made by

this Court, all the counsel who were representing their respective parties, they themselves chose to elect the arguments on the aspect of Section 8B and 8C of the Commission of Inquiry Act 1952 (for short, 'the Act of 1952') and willingly abandoned/conceded/gave up their arguments on the aspect of parallel continuation of the disciplinary and criminal proceedings. Under such circumstances, to turn around and contradict their own concession is impermissible and ought not to be allowed by this Court.

16. The learned Senior Counsel further submitted that the question of review of the judgment and order dated 01.04.2026 does not arise taking into account that the judgment has already been implemented and fresh departmental proceedings have been initiated against the Petitioners. It was also submitted that this is not a case wherein a review petition can at all be maintainable, more particularly in view of the judgment of the Supreme Court in the case of ***State of Nagaland & Another vs. Toulvi Kibami,*** reported in ***(2003) 8 SCC 671*** wherein the Supreme Court observed that in view of the subsequent events that have taken place consequent upon the judgment of the Division Bench, the review petition had become not maintainable.

ANALYSIS AND DETERMINATION:

17. This Court heard the learned counsel appearing on behalf of the parties and perused the materials on record.

18. From a perusal of the judgment sought to be reviewed as well as the records of the writ petitions, it would show that there were two sets of writ petitions.

19. In one set of writ petitions, the legality and validity of the reports, i.e., Report, 2013 and Report, 2014 submitted by the One-Man Commission of Inquiry were challenged and questions raised on whether on the basis of such reports, the departmental proceedings against them can be initiated as the Reports violated their rights under Section 8B and 8C of the Commission of Inquiry Act, 1952.

20. The other batch of writ petitions challenged the legality and validity of the continuation of the departmental proceedings pending the criminal trial.

21. When the writ petitions were taken up on 07.03.2026, the learned Counsels who were representing the Petitioners challenging the continuation of the departmental proceedings pending criminal proceedings submitted that they would not insist upon the plea of parallel continuation of the departmental

proceedings pending criminal proceedings, but rather, the Petitioners should be brought within the envelope of the challenge to the legality and validity of the Report, 2013 and Report, 2014 submitted by the One-Man Commission of Inquiry against them and violation of their rights under Section 8B and 8C of the Act of 1952. This aspect is apparent from a perusal of the Paragraph Nos.3, 4, 5 and 6 of the judgment and order which have been sought to be reviewed. The said paragraphs are reproduced herein under:-

"***4.*** *Mr. K.N. Choudhury, the learned Senior Counsel along with the other learned counsels for the writ Petitioners submitted that the writ petitions where they are representing, their writ petitions should be restricted only to the question of the legality and validity of the reports submitted by the One-Man Commission and whether on the basis of the said reports the Departmental Proceedings against them can be initiated as the said reports are in violation to the rights of the Petitioners under Section 8B and Section 8C of the Commission on Inquiry Act, 1952.*

5. *Mr. N. Kohli, the learned Senior Counsel appearing on behalf of the State of Assam also submitted that as the writ petitioners do not want to insist on their contention regarding the legality and validity of the continuation of parallel proceedings pertaining to Departmental Proceedings and criminal proceedings, the batch of writ petitions be decided on the question of the legality and validity of the reports submitted by the One-Man Commission and whether the Departmental Proceedings can be initiated and continued.*

6. *In view of the above submissions, the present adjudication is limited to the legality and validity of the reports submitted by the One-Man Commission and its effect*

upon the Departmental Proceedings initiated against the Petitioners and other consequential actions."

22. A perusal of the records of the writ Petitions would show that some of the review Petitioners filed two writ petitions, one challenging the One-Man Commission of Inquiry's reports and the other challenging the continuation of parallel proceedings. For example, Aoicharjya Jibon Baruah filed WP(C) No.1380/2025 challenging the One-Man Commission of Inquiry's Reports and also filed WP(C) No.5705/2024 challenging the continuation of parallel departmental proceedings with a criminal trial. There were some writ Petitioners who had only challenged the parallel continuation of departmental proceedings with a criminal trial and there were others who only challenged only the One-Man Commission of Inquiry's Reports. On the basis of the consensus amongst the parties as is apparent from the body of the judgment sought to be reviewed that the Petitioners gave up the challenge to the continuation of the parallel departmental proceedings with criminal proceedings. These aspects would be apparent from Paragraph Nos.3 to 6, 35, 36 & 38 of the judgment sought to be reviewed.

23. In the backdrop of the above, the question arises as to whether the review Petitioners have been able to make out a case for review of the common judgment and order dated 01.04.2026 in so far as the observations and directions made at Paragraph

No.139(xii).

24. A Review Petition is maintainable, if any of the following grounds are satisfied, i.e.,

(i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within the knowledge of the Petitioner or could not be produced by him at the time when the decree was passed or order made; or

(ii) Mistake or error apparent on the face of the record; or

(iii) Any other sufficient reasons.

It is well-settled that the words "any other sufficient reason" mean a reason sufficient on grounds, at least analogous to those specified in Clauses (i) and (ii) hereinabove.

25. In the case of ***Northern India Caterers (India) Ltd. vs. Lt. Governor of Delhi***, reported in ***1980 (2) SCC 167***, the Supreme Court categorically observed that a party is not entitled to seek a review of a judgment delivered by the Court merely for the purpose of rehearing and a fresh decision of the case. The normal principle is that a judgment pronounced by a Court is final and the departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so. **V. R. Krishna Iyer, J.,** (as his Lordship then was), in his articulate style

eloquently explained the scope of review in the case of ***Sow Chandra Kante and Another vs. Sheik Habib***, reported in ***1975 (1) SCC 674***. In the said judgment, His Lordship observed that the review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or a patent mistake or like grave error had crept in earlier by judicial fallibility. Paragraph No.1 of the said judgment being relevant is reproduced herein under:-

> "*Mr Daphtary, learned counsel for the petitioners, has argued at length all the points which were urged at the earlier stage when we refused special leave thus making out that a review proceeding virtually amounts to a re-hearing. May be, we were not right is refusing special leave in the first round; but, once an order has been passed by this Court, a review thereof must be subject to the rules of the game and cannot be lightly entertained. A review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. A mere repetition, through different counsel, of old and overruled arguments, a second trip over ineffectually covered ground or minor mistakes of inconsequential import are obviously insufficient. The very strict need for compliance with these factors is the rationale behind the insistence of counsel's certificate which should not be a routine affair or a habitual step. It is neither fairness to the Court which decided nor awareness of the precious public time lost what with a huge backlog of dockets waiting in the queue for disposal, for counsel to issue easy certificates for entertainment of review and fight over again the same battle which has been fought and lost. The Bench and the Bar, we are sure, are jointly concerned in the conservation of judicial time for maximum use. We regret to say that this case is typical of the unfortunate but frequent phenomenon of repeat performance with the review label as passport. Nothing which we did not hear then has been heard now, except a couple of rulings on points earlier put forward. May be, as counsel*

now urges and then pressed, our order refusing special leave was capable of a different course. The present stage is not a virgin ground but review of an earlier order which has the normal feature of finality."

26. The question arises in the present facts is as to whether a case for review of the directions and observations in Paragraph No.139(xii) of the judgment and order dated 01.04.2026 passed in ***Aoicharjya Jibon Baruah (supra)*** had been made out by the Petitioners.

27. To appreciate the said aspect, it is of relevance to take note of why the Review Petitioners are seeking review of the directions contained in Paragraph No. 139(xii) of the judgment sought to be reviewed.

28. This Court in the judgment sought to be reviewed upon holding *inter alia* that the Report of 2013 and the Report of 2014 submitted by the One-Man Commission of Inquiry to be violative of Sections 8B and 8C of the Act of 1952 passed certain directions at Clauses (iv) to (ix) of Paragraph No.139. The said directions passed in Clauses (iv) to (ix) of Paragraph No.139 being relevant are reproduced herein under:-

"*139.(iv) The Respondent State/Disciplinary Authority would be at liberty to proceed with the Disciplinary Proceedings initiated against the Petitioners on the basis of the Show Cause Notices and*

Statements of the Allegations served upon the Petitioners. However, the Respondent State/Disciplinary Authority shall proceed with the Disciplinary proceedings without relying and/or referring to any observation, finding and/or recommendations made by the Commission which touches upon the conduct and reputation of the Petitioners in the Report, 2013 and Report, 2014, as the case may be.

(v) Accordingly, the second paragraph of the Show Cause Notices as well as the second paragraph of the Statements of the Allegations issued against each Petitioner stand stricken off. The Extracts of the Report, 2013 or the Report, 2014 which were furnished as list of Documents to the Petitioners cannot be relied and/or referred to by the Respondent State/Disciplinary Authority.

(vi) In the circumstance, the Disciplinary Authority/Respondent State wishes to include additional documents and/or provide the list of witnesses, the Petitioners having already submitted their Statement of Defence have to be provided with an opportunity to file additional Statement of Defence alongwith documents, if so advised. The Petitioners would be at liberty to raise such further or other defences as permissible under law in their additional Statement of Defence.

(vii) The liberty so granted in Clause (vi) hereinabove to the Disciplinary Authority/Respondent State is limited to be exercised within 45 (forty-five) days from the date of the present

judgment. It is observed that if the Disciplinary Authorities fail to provide the additional documents and/or list of witnesses to the Petitioners within the time stipulated hereinabove, the Disciplinary proceedings shall proceed in accordance with law on the basis of the observations made in Clauses (iv) and (v) hereinabove. For the period of 45 (forty-five) days from the present judgment, the Disciplinary Proceedings shall therefore remain stalled thereby enabling the Respondent State/Disciplinary Authority to provide the additional documents and/or provide the list of witnesses.

(viii) This Court for the sake of clarity observes that as the Disciplinary Proceedings against the Petitioners are yet to be decided on merits, the above directions issued shall not preclude the Disciplinary Authorities/Respondent State to drop the present impugned Disciplinary Proceedings initiated against the Petitioners and initiate fresh Disciplinary Proceedings, if so advised. It is observed that in the circumstances fresh Disciplinary Proceedings are initiated, the Disciplinary Authority/Respondent State cannot refer and/or rely upon the observations, findings and recommendations made by the Commission against the Petitioners in the Report, 2013 and Report, 2014. [see Devender Pratap Narain Rai Sharma Vs State of Uttar Pradesh reported in 1961 SCC Online SC 90].

(ix) The liberty granted to the Respondent State/Disciplinary Authority to drop the impugned Disciplinary Proceedings and

initiate fresh Disciplinary Proceedings shall have to be exercised within 45 (forty-five) days from the date of the instant judgment. Failure to do so, the Respondent State/Disciplinary Authority shall have to proceed with the impugned Disciplinary Proceedings in the manner directed hereinabove."

29. From a perusal of the above quoted directions, it would transpire that this Court granted liberty to the State/ the Disciplinary Authority to proceed with the departmental proceedings initiated against the Petitioners on the basis of the Show Cause Notices and the statement of allegations served upon the Petitioners which was the subject matter of the writ petitions before this Court. In doing so, this Court also observed and directed that the Respondent State/the Disciplinary Authority may proceed with the existing departmental proceedings but cannot rely and/or refer to any observations, findings and/or recommendations made by the One-Man Commission of Inquiry in the Report, 2013 and Report, 2014 which touches upon the conduct and reputation of the Petitioners, as the case may be.

30. This Court further at Clauses (viii) and (ix) of Paragraph No. 139 of the judgment sought to be reviewed granted certain liberties to the State/Disciplinary Authority. This Court at Clause (viii) of Paragraph No. 139 observed and directed that observations and directions in the preceding Clauses of Paragraph No. 139 shall

not preclude the Disciplinary Authority/the Respondent State to drop the impugned departmental proceedings initiated against the Petitioners and initiate fresh departmental proceedings, if so advised. The liberty so granted was limited to a window of 45 days from the date of the judgment sought to be reviewed as would be apparent from Paragraph No.139(ix) of the judgment sought to be reviewed.

31. A perusal of the pleadings in the Review Petitions and the Affidavit filed by the Respondents would show that in pursuance to the liberty granted, the Respondent State/the Disciplinary Authority dropped the existing departmental proceedings which were the subject matter before this Court which led to the judgment sought to be reviewed and initiated fresh departmental proceedings by issuance of fresh Show Cause Notices.

32. It is the case of the Review Petitioners that the fresh departmental proceedings so initiated by issuance of fresh show cause notices are based upon the Reports of the Special Investigation Team which led to the criminal in Special Case No. 02/2017. The Review Petitioners apprehend that in view of the observations made at Paragraph No.139(xii), the Petitioners are debarred from challenging the parallel continuation of the departmental and criminal proceedings and under such

circumstances, the Review Petitions have been filed.

33. It is the well settled principle of law that when a Court decides a lis and passes a judgment, the said judgment must be read as applicable to the particular facts proved or assumed to be proved. This proposition of law is well established and can be discerned from the observations made by the ***Earl of Halsbury L.C.*** in ***Quinn vs. Leathem***, reported in ***(1901) A.C. 495***. The said observations are reproduced herein under:-

> "*Now before discussing the case of Allen v. Flood, [1898] AC 1 and what was decided therein, there are two observations of a general character which I wish to make, and one is to repeat what I have very often said before, that every judgment must be read as applicable to the particular facts proved, or assumed to be proved, since the generality of the expressions which may be found there are not intended to be expositions of the whole law, but governed and qualified by the particular facts of the case in which such expressions are to be found. The other is that a case is only an authority for what it actually decides. I entirely deny that it can be quoted for a proposition that may seem to follow logically from it. Such a mode of reasoning assumes that the law is necessarily a logical code, whereas every lawyer must acknowledge that the law is not always logical at all.*"

34. The above observations have been approved by the Constitution Bench of the Supreme Court in the case of ***State of Orissa vs. Sudhansu Sekhar Misra and Others***, reported in ***1967 SCC OnLine SC 17***.

35. When a liberty was granted to the Respondents/Disciplinary Authority to drop the existing departmental proceedings and start afresh, and in pursuance thereof, the departmental proceedings were dropped and fresh show cause notices were issued, the departmental proceedings which are presently in existence are, therefore, fresh causes of action which was not the subject matter before this Court which led to the passing of the judgment sought to be reviewed.

36. The concessions so made by the learned counsels before this Court which led to the passing of the judgment sought to be reviewed are concessions made in respect to the departmental proceedings as well as the show cause notices which were the subject matter of the writ petitions leading to the judgment sought to be reviewed. It is the opinion of this Court that had the Disciplinary Authority/Respondents proceeded with the then existing departmental proceedings, the abandonment of the contentions and reliefs in respect to the parallel continuation of the departmental proceedings with the criminal trial would come in the way of the Writ Petitioners in those writ petitions to raise the contentions and seek relief against the parallel continuation of the departmental proceedings with the criminal trial. The reason being that the abandonment of contentions and reliefs would act as an estoppel upon the Writ Petitioners to again agitate the same

contentions and seek reliefs in respect to the same cause of action. Apart from that, it would be against the public policy as well as an abuse of the process of the Court to permit the Writ Petitioners again to raise the contentions against the parallel continuation of the departmental proceedings along with the criminal trial on the same cause of action.

37. Under such circumstances, the observations and directions at Paragraph No. 139(xii) to the effect that the Writ Petitioners cannot be permitted to raise the issue of parallel continuation of the departmental proceedings with the criminal trial in future cannot be said to be an error or mistake apparent on the face of the record or would come within the ambit of other sufficient causes.

38. The present Review Petitions are based upon apprehension in the minds of the Review Petitioners that observations and directions at Paragraph No. 139(xii) of the judgment sought to be reviewed had foreclosed their rights to raise contentions on the parallel continuation of the departmental proceedings along with the criminal trial. The apprehensions seem to be misconceived for the following reasons:

(A) A Court adjudicating a *lis* decides it on the cause of action pleaded and placed before it. The jurisdiction exercised, the findings recorded and the directions issued are all

referable to, and circumscribed by the cause of action and the bundle of facts, on which it rests. A direction is therefore to be construed as a direction in respect of the cause of action then before the Court and not as a free-standing direction operating on every subsequent state of affairs.

(B) Where the Court, while disposing of the *lis*, grants liberty to a party, or to the authority and the party or the authority acts thereupon, it brings into existence a new decision, a new order or a changed set of facts, a fresh cause of action arises. This new fresh cause of action was never before the Court which issued the earlier directions. Those directions, having been rendered in a different factual matrix, cannot be invoked either to enforce or to shield the subsequent action; the fresh cause of action must be adjudicated independently and on its own merits.

(C) Most importantly, an abandonment of a claim or concession given during the course of judicial proceedings has to be based on the existence of the cause of action. It is completely misconceived to contend that there can be an abandonment of a claim or concessions made to a claim

in respect to a cause of action which did not come into existence.

39. In view of the above, it is the opinion of this Court that no case for review of the observations and directions at Paragraph No. 139(xii) of the judgment sought to be reviewed is made out by the Review Petitioners. The Review Petitions are based upon apprehensions which are misconceived.

40. The Review Petitions accordingly stands rejected for the reasons aforementioned.

41. No costs.

JUDGE

Pradip Kumar Kalita
Comparing Assistant
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