GAHC010220152026

2026:GAU-AS:15396

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

Case No. : WP(C)/5622/2026

SHANAI MIA CHOUDHURY
SON OF LATE TAJAMUL AII CHOUDHURY, RESIDENT OF VILLAGE MAJIRGRAM, P.O. AND P.S. SONAI, DISTRICTCACHAR, ASSAM, PIN-788119, FORMERLY POSTED AS SHERISTADAR, OFFICE OF THE ADDITIONAL DISTRICT 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
DISTRICT CACHAR
ASSAM.

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

For the Petitioner(s) : Mr. D. Ullah, Advocate

For the Respondent(s) : Mr. H.K. Das, Sr. Advocate
Mr. K. Gogoi, Addl. Sr. Govt. Advocate
Mr. N.K. Sarma, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 12.10.2026

Heard Mr. D. Ullah, the learned counsel for the petitioner. Mr. K. Gogoi, the learned Additional Senior Government Advocate appears on behalf of the respondent No. 1 and Mr. H.K. Das, the learned Senior Counsel assisted by Mr. N.K. Sarma, the learned counsel appears on behalf of the respondent Nos. 2 and 3.

2. The present writ petition has been filed by the petitioner assailing the major penalty of compulsory retirement imposed upon the petitioner by the respondent No. 2 vide order dated 14.05.2026.

3. It has been brought to the notice of this Court that against the order imposing the major penalty of compulsory retirement, the petitioner approached the Appellate Authority, i.e., the Secretary to the Government of Assam, Judicial Department by filing an Appeal on 03.06.2026, which is yet to be disposed of.

4. Mr. H.K. Das, the learned Senior Counsel appearing on behalf of the respondent Nos. 2 and 3 submitted that in view of Rule 30 read with Rule 32 of the Assam District Court Employees Service Rules, 2026 (for short, "the Rules of 2026") which came

into force w.e.f. 03.09.2026, the Appeal would now have to be decided by the Gauhati High Court on the administrative side. In this regard, the learned Senior Counsel referred to the judgment of this Court in the case of ***Sri Gopal Deka Vs. The State of Assam & Others (WP(C) No. 2840/2026)*** wherein this Court held that upon an interpretation of Rule 30 read with Rule 32 of the Rules of 2026, any Appeal pending before the Judicial Department of the Government of Assam has to be transferred to the Gauhati High Court.

5. Taking into account that the Appeal is pending before the Gauhati High Court on the administrative side and has only recently been transferred to the Gauhati High Court, this Court is not inclined to entertain the instant writ petition at this stage.

6. This Court, however, closes the writ petition observing that, considering that the petitioner has been imposed a major penalty of compulsory retirement, the Gauhati High Court on the administrative side is requested to expedite the disposal of the Appeal pending before it.

7. It is further observed that the present order shall not prejudice the petitioner's right to approach this Court if the Appeal is decided against the petitioner.

JUDGE

Comparing Assistant