GAHC010180092026

2026:GAU-AS:16397

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

Case No.: WP(C)/5750/2024

CHAKRADHAR DEKA
S/O- LATE B.N. DEKA
R/O- VILL AND P.O. BANGAON (TIHU)
DIST.- BAJALI
ASSAM
PIN- 781375

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO GOVT. OF ASSAM
COOPERATION DEPARTMENT
DISPUR
GUWAHATI-6

2:THE PRINCIPAL SECRETARY TO GOVERNMENT OF ASSAM
COOPERATION DEPARTMENT
DISPUR
GUWAHATI-6

3:THE ADDITIONAL SECRETARY TO GOVERNMENT OF ASSAM
COOPERATION DEPARTMENT
DISPUR
GUWAHATI-6
-

BEFORE

HONOURABLE MR. JUSTICE DEVASHIS BARUAH

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

Advocate for the Respondent (s): Mr. N. Kohli, Sr. Advocate
Mr. D. Nath,
Sr. Govt. Advocate

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, the learned counsel appearing on behalf of the Petitioner. Mr. N. Kohli, the learned Senior Counsel assisted by Mr. D. Nath, the learned Senior Government Advocate appears on behalf of Respondents.

2. The present writ petition is filed by the Petitioner seeking a mandamus directing the Respondent Authorities to keep the impugned Show Cause Notice bearing eCF No.410036/26 dated

30.11.2023 in abeyance till finalization of the criminal case, i.e. Dibrugarh P.S. Case No.936/2016.

3. The present writ petition is one of the writ petitions wherein the issues raised were on the aspect pertaining to the parallel continuation of disciplinary proceedings initiated by the Show Cause Notice dated 30.11.2023 and the criminal trial in connection with Dibrugarh P.S. Case No.936/2016.

4. It is of relevance to take note of that similar writ petitions have been disposed of by this Court by the detailed judgment and order dated 01.04.2026 in the case of ***Aoichariya Jibon Baruah vs. State of Assam & Oth*ers**, reported in ***2026 SCC OnLine Gau 2673***. This writ petition, however, was left out while adjudicating the batch of writ petitions raising similar issues. Taking into account the question of parity, it is the opinion of this Court that the Petitioner is also entitled to similar reliefs, more particularly the directions contained in Clauses (i), (ii) and (iii) of Paragraph No.139 of the common judgment and order in the case of ***Aoichariya Jibon Baruah (supra)***. For the sake of clarity, this Court therefore reproduces Clauses (i), (ii) and (iii) of Paragraph No.139 of the common judgment and order dated 01.04.2026 herein under:-

> "*139. (i) The Commission had violated the rights of the Petitioners under Section 8B and Section 8C of the Act of 1952 while making*

the inquiries in respect to the Combined Competitive Examination, 2013 and Combined Competitive Examination, 2014 and thus the Report, 2013 and Report, 2014 are in violation to the mandatory provisions of Section 8B and Section 8C of the Act of 1952.

(ii) The Report, 2013 and Report, 2014 cannot be used against the Petitioners to initiate any disciplinary proceedings against the Petitioners or any prosecution against the Petitioners. All findings observations and/or recommendations so made by the Commission in the Report, 2013 and Report, 2014 touching upon the conduct and reputation of the Petitioners prejudicially cannot be used against the Petitioners in any Forum and are rendered nonest as it violates Section 8B and Section 8C of the Act of 1952.

(iii) The Report, 2013 and Report, 2014, subject to the observations made in Clause (ii) hereinabove, are not set aside and quashed. The Report, 2013 and Report, 2014 contains various fact-finding details touching on matters of public importance and such findings, observations and recommendations may aid the Government of Assam to retrospect as well as introspect and to take any policy decision for the future."

5. It is of further relevance to observe that the directions at Clauses (iv), (v), (vi), (vii), (viii) and (ix) of Paragraph No.139 of the common judgment and order in the case of ***Aoichariya Jibon Baruah (supra),*** in so far as the Petitioner is concerned have lost significance in as much as pursuant to the common judgment and order dated 01.04.2026 in the case of ***Aoichariya Jibon Baruah***

(supra), the disciplinary proceedings against the Petitioner which were initiated on the basis of the Show Cause Notice dated 30.11.2023 was dropped vide the order dated 14.05.2026 and a fresh Show Cause Notice was issued on the same day, i.e. on 14.05.2026.

6. The issuance of the order dated 14.05.2026 under Memo No.E-781371/314-A and the Show Cause Notice dated 14.05.2026 which led to the initiation of fresh departmental proceedings are fresh cause of action which is not the subject matter of the present writ petition. In that view of the matter, as the departmental proceedings which were initiated on the basis of the Show Cause Notice dated 30.11.2023 which is the issue involved in the present proceedings pertaining to parallel continuation of the departmental proceedings on the basis of Show Cause Notice dated 30.11.2023 with the criminal trial in respect to Dibrugarh P.S. Case No.936/2016, the same have lost its significance. The reliefs which have been sought for in the writ petition have become infructuous.

7. Accordingly, the writ petition therefore stands closed holding *inter alia* that the reliefs which have been sought for in the writ petition have become infructuous. Be that as it may, this Court observes and directs that the Petitioner would be entitled to the benefits of Clauses (i), (ii) and (iii) of Paragraph No.139 of the

common judgment and order dated 01.04.2026 passed in ***Aoichariya Jibon Baruah (supra).*** The directions contained at Clauses (i), (ii) and (iii) of Paragraph No.139 have already been quoted hereinabove.

JUDGE

Comparing Assistant