

24.02.2026
Item No.08
Ct. No.1
PG

WP.CT. 245 of 2025
Major Mainak Ganguly (IC-77183F)
Versus
Union of India & Ors.

Mr. Sourav Sen, Sr. Adv.
Mr. Sudip Patra
Mr. Prem Prakash
Mr. Sourav Singh
Ms. Shruti Jainfor the petitioner

Mr. Vipul Kundalia, Sr. Adv.
Ms. Anamika Pandey
Mr. Ghanashyam Pandey
Mr. Anindya Kanan
.....for the respondents/

PER, SUJOY PAUL, C.J.:

1. Parties are represented through their respective learned counsel.
2. Learned counsel for the respondents at the outset, informed that by order dated 03.02.2026 bearing no. 172512/442/A3(DV), the inquiry committee has been reconstituted. Thus, the proceeding and finding (if any) of the previous inquiry committee is wiped out. The new committee will proceed in accordance with law.

3. If petitioner is aggrieved by constitution of new committee by aforesaid order dated 03.02.2026, he may challenge it before the appropriate forum.
4. Learned counsel for petitioner has no objection.
5. We find substance in the argument of the department that upon constitution of new committee by order dated 03.02.2026, the entire previous proceeding held by previous committee and finding etc. have lost significance.
6. If petitioner is aggrieved by constitution of new committee by order dated 03.02.2026, as per the Constitution Bench judgment of Supreme Court in **L. Chandra Kumar Vs. Union of India & Ors.** reported in **(1997) 3 SCC 261**, the remedy is before the court of first instance i.e. before the tribunal.
7. Thus, this petition is disposed of by reserving liberty to the petitioner to file the petition before appropriate forum, if

petitioner is still aggrieved by order dated 03.02.2026.

8. With aforesaid and without expressing any opinion on merits, petition is dismissed.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)