

GAHC010004672011



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

Case No. : WP(C)/1684/2011

HEMANTA SARMA
S/O LT. GOBIN SARMA, VILL. BARDOLONI KALITA GAON, P.O.
BARDOLONI, P.S. DHAKUAKHANA, DIST DHEMAJI, PRESENTLY RESIDING
C/O PRAFULLA ENCLAVE FLAT NO. 4/G2, NAMGHAR PATH, PANJABARI,
GUWAHATI, P.S.SATGAON, DIST KAMRUP M, ASSAM

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY ITS COMMISSIONER AND SECY, GOVT OF ASSAM, HEALTH AND
FAMILY WELFARE , DISPUR, GHY-6

2:THE COMMISSIONER AND SECY

GOVT OF ASSAM
FINANCE DEPTT
DISPUR
GHY-6

3:THE JT.SECY

GOVT.OF ASSAM
HEALTH AND FAMILY WELFARE DEPTT
DISPUR
GHY-6

4:THE DIRECTOR OF MEDICAL EDUCATION DME
ASSAM
SIX MILE
KHANAPARA
GHY-22

5:THE JT. DIRECTOR OF MEDICAL EDUCATION

ASSAM SIX MILE
KHANAPARA
GHY-22

6:THE CHAIRMAN

REP. BY ITS SELECTION COMMITTEE FOR THE POST OF LDA UNDER THE
ESTABLISHMENT OF DIRECTOR OF MEDICAL EDUCATION ASSAM CUM
OFFICER ON SPECIAL DUTY
OFFICE OF THE DIRECTOR OF MEDICAL EDUCATION
ASSAM
SIX MILE
KHANAPARA
GHY-22

7:RAJIB SINGH

S/O BIMAL SINGH
R/O 12-A
KARMABIR BARDOLOI PATH
WIRELESS
DISPUR
RUKMININAGAR
GHY-6

8:NITUMONI BHUYAN

D/O PRADIP BHUYAN
VILL TELIA BEBEJIA
P.O. JURIA
DIST NAGAON
ASSA

Advocate for the Petitioner : MR.M HAQUE

Advocate for the Respondent : MR.A DEKA

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 19-06-2023

Heard Mr. Z. Hussain, the learned counsel appearing on behalf of the Petitioner.
Mr. B. Gogoi, the learned Standing Counsel appears on behalf of the Health

Department and Mr. A. Deka, the learned counsel appears for the Respondent Nos. 7 and 8.

2. The instant writ petition has been filed challenging the appointment of the Respondent Nos. 7 & 8 vide the orders dated 31/7/2010 enclosed as Annexure-15 and Annexure-16 to the writ petition.

3. From a perusal of the writ petition, it transpires that the allegations made are two fold. The first, is that in terms with the advertisement dated 17/6/2010, the minimum qualification required for selection to the posts of LDA/Gr. IV is that the candidates should be Higher Secondary passed or equivalent with certificate in typing/computer typing. It is the case of the Petitioner that the Petitioner has passed his Higher Secondary and has certificate both typing as well as computer typing whereas the Respondent Nos. 7 & 8 have passed Higher Secondary but have certificate only in computer typing.

4. The second allegation is that the Respondent No. 3, who is the father of the Respondent No. 7 had influenced the Respondent No. 6 in terms with the impugned order.

5. Taking into account the said allegations, this Court finds it relevant to take note of the affidavit-in-opposition filed by the Respondent No. 1 wherein it appears that the merit positions of the Respondent Nos. 7 & 8 were at Serial Nos. 1 and 2 whereas the merit position of the Petitioner was at Serial No. 26. Further to that, a perusal of the advertisement makes it clear that the minimum qualification is Higher Secondary or equivalent with certificate in typing/computer typing meaning thereby that candidate should have a certificate in typing or computer typing and should pass the Higher Secondary or equivalent. Taking into account the above, this Court is of the opinion that the first allegation alleged in the writ petition is totally misconceived.

6. As regards the second allegation, this Court finds it relevant to take note of the affidavit-in-opposition (Annexure-A) filed by the Respondent No. 1 wherein the

Selection Committee comprised of the Officer on special duty as the Chairman, the Joint Director of Medical Education, Assam as the Member Secretary and the Superintendent of the Office of the Director of Medical Education, Assam as the Member. Taking into account that the Respondent No. 3 was not a part of the Selection Committee, this Court is of the opinion that the second allegation so made in the writ petition is also misconceived and unfounded.

7. Accordingly, this Court does not find any merit in the instant petition for the writ petition stands dismissed.

JUDGE

Comparing Assistant