GAHC010078492023

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

**Case No. : WP(C)/2029/2023**

DR. NABA KUMAR HAZARIKA
S/O LATE LOKNATH HAZARIKA, R/O MALAYNAGAR, A.E.C. ROAD, P.O.-JALUKBARI, PIN-781013, DIST-KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, HEALTH AND FAMILY WELFARE (A) DEPARTMENT, DISPUR, GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY
MEDICAL EDUCATION AND RESEARCH DEPARTMENT
DISPUR
GUWAHATI-6

3:THE MEDICAL AND HEALTH RECRUITMENT BOARD
ASSAM
ACMR BUILDING
NEAR OFFICE OF THE DME
SIX MILE
KHANAPARA
GUWAHATI-22
REPRESENTED BY ITS SECRETARY

4:THE SECRETARY
MEDICAL AND HEALTH RECRUITMENT BOARD
ASSAM
ACMR BUILDING
NEAR OFFICE OF THE DME
SIX MILE
KHANAPARA

GUWAHATI-22

5:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE (B) DEPARTMENT
DISPUR
GUWAHATI-6

6:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR
GUWAHATI-6

7:THE DIRECTOR OF AYUSH
ASSAM
DISPUR
GUWAHATI-6

8:THE GOVERNMENT AYURVEDIC COLLEGE HOSPITAL
JALUKBARI
GUWAHATI-14 REPRESENTED BY ITS PRINCIPAL

9:THE PRINCIPAL
GOVERNMENT AYURVEDIC COLLEGE HOSPITAL
JALUKBARI
GUWAHATI-1

**Advocate for the Petitioner** : MR. A SARMA

**Advocate for the Respondent** : SC, HEALTH

**BEFORE**
**HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**10.04.2023**

Heard Mr. B. D. Deka, learned counsel appearing for the writ petitioners. Also heard Mr. D. P. Borah, learned Standing Counsel, Health Department, Assam appearing for the respondents.

The grievance of all the writ petitioners in this batch of writ petitions is common and therefore, all the four writ petitions are being taken up for disposal by this

common order. The Medical and Health Recruitment Board, Assam had issued an advertisement notice dated 16.03.2023 for filling up the post of Assistant Professors on regular basis. All the writ petitioners, who were initially appointed as Medical Officers and subsequently promoted as Senior Medical Officers are presently discharging duties as Assistant Professors on temporary basis. The petitioners are desirous of participating in the recruitment process pursuant to the advertisement notice darted 16.03.2023 but since they have exceeded the age limit as notified in the advertisement, all of them have submitted representations before the concerned authorities seeking age relaxation. However, according to Mr. Deka, no action has been taken on such representations till today. Mr. Deka has also pointed out that the last date of submission of application is 13.04.2023 and since these are On-Line applications, the system is not accepting the applications of the petitioners due to the age bar.

Responding to the above, Mr. Borah, learned Standing Counsel, Health Department, Assam submits that the representations submitted by the petitioners seeking relaxation of age have been put up in the file and the matter is under active consideration of the competent authority. He submits that decision would soon be taken on the representations submitted by the petitioners and if the request is accepted, they would be allowed to participate in the recruitment process.

Taking note of the submissions of the learned counsel for the parties and having regard to the peculiar facts and circumstances of the case, these writ petitions are being disposed of by providing that, since the last date of submission of application is 13.04.2023 and considering the fact that the system is not

accepting the applications sought to be submitted by the petitioners through On-Line mode, all the writ petitioners be provisionally permitted to submit their applications in physical form, on or before the last date i.e. 13.04.2023.

The representations for relaxation of age, as submitted by the petitioners, shall be considered and disposed of with a reasoned order before the date fixed for holding the selection process. In doing so, the authorities would consider the long years of service already rendered by the petitioners and the fact that at this point of time, there is very limited scope for them to seek employment elsewhere. On the conclusion of the aforesaid exercise, if the petitioners continue to remain aggrieved in the matter, it shall be open for them to approach this Court afresh.

With the above observation, these writ petitions stand disposed of.

**JUDGE**

**Comparing Assistant**