

GAHC010125932023



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

**Case No. : WP(C)/3352/2023**

JAHANARA BEGUM  
W/O- RASHIDUL HOQUE,  
ASHA WORKER, JEW MARI SUB-CENTRE UNDER SAMAGURI BPHC  
(BLOCK PUBLIC HEALTH CENTRE) AND RUPAHI SUB-DIVISION,  
VILLAGE- KHONATUP, P.O.- TELIACHAPORI,  
P.S.- RUPAHI, DISTRICT- NAGAON,  
ASSAM, PIN- 782125.

VERSUS

THE STATE OF ASSAM AND 4 ORS  
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVT. OF ASSAM,  
HEALTH AND FAMILY WELFARE DEPARTMENT,  
DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF HEALTH SERVICES  
ASSAM  
HENGRABARI  
GUWAHATI-6.

3:JOINT DIRECTOR OF HEALTH SERVICES CUM MEMBER SECRETARY  
DISTRICT HEALTH SOCIETY  
NAGAON  
DIST.- NAGAON  
ASSAM.  
PIN- 782001.

4:THE SUB DIVISIONAL MEDICAL AND HEALTH OFFICER (SDM AND HO)  
SAMAGURI BLOCK PUBLIC HEALTH CENTRE  
P.O.- SAMAGURI  
DIST.- NAGAON

ASSAM.  
PIN- 782140.

5:THE OFFICER-IN-CHARGE  
RUPAHI MODEL HOSPITAL  
P.O.- RUPAHI  
DIST.- NAGAON

ASSAM  
PIN- 782125

**Advocate for the Petitioner** : MR. Z HAMMAD

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

**BEFORE**  
**HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**27/09/2023**

Heard Mr. Z. Hammad, learned counsel for the petitioner. Also heard Ms. A. Bora, learned standing counsel, Health Department.

2. This writ petition is filed by the petitioner who claims that she was appointed as an ASHA worker in Jeumari sub-center under Samaguri BPHC (Block Public Health Center, (BPHC) Nagaon, Assam and Rupahi Sub-Division. The petitioner had joined in the post pursuant to her appointment and had rendered her services till 02.06.2022. She was paid honorarium and incentives initially.

3. The learned counsel for the petitioner submits that a copy of the relevant extract downloaded from the website NHM reflects her name as serial number 53, which is enclosed as Annexure I. It is submitted that thereafter from 03.06.2022 to 06.07.2022 the petitioner could not render her services as ASHA worker in the said sub-center because of matrimonial dispute and cruelty

inflicted on her by her husband.

4. It is submitted that the a complaint to that effect was made before the Officer-n-Charge of Rupahi Model Hospital, Nagaon, Assam by her applications dated 01.07.2022, 07.07.2022, 21.07.2022. Subsequently, when she went to join her services, she was not allowed to join the said service. Accordingly, on 21.07.2022, the petitioner submitted an application before the Joint Director Health Service, Nagaon narrating every detail. However, no action has been taken till date. It is submitted that on 16.09.2022, the President, Jeumari Gaon Panchayat and 9 (nine) members of the Village Health and Sanitation Committee (VH & SC) along with local public submitted an application before the Officer-in-charge, Samaguri Public Health Center (PHC) whereby they passed a resolution adopting to allow a petitioner to work as a Asha worker. However, no such action was taken. In spite of all these representations being made, no action was forthcoming. Subsequently, however, the Sub-Divisional Medical Health Officer, Samaguri, who was directed to carry out an enquiry reported to the Joint Director, Health Services, Nagaon that the Village Health and Sanitation Committee had recommended for termination of the petitioner, Services as an Asha worker.

5. The learned counsel for the petitioner submits that this resolution was subsequently recalled and the Panchayat members represented before the competent authority requesting the authorities to permit the petitioner to work as Asha worker.

6. The NHM has filed an affidavit disputing the claims of the petitioner it is submitted that there is an allegation made by the Gaon Panchayat Members, that the petitioner had forged the signatures of the Gaon Panchayat members on an application stated to allegedly and purportedly stated to have been filed

by the said Gaon Panchayat members in her favour requesting the competent authority to permit her to work.

7. Having heard the learned counsels for the parties and having perused the pleadings on record, it is seen that there are claims and counterclaims made by both parties in respect of the decisions purportedly taken by the Village Health, Sanitation and Nutrition Committee under the Jeumari Gaon Panchayat. While the petitioner claims that the members had taken a decision in her favour permitting her to work, the department, through its affidavit, has raised objections to the statement made submitting that such statement is false and the members had lodged an FIR requesting the competent authority to allow the petitioner to continue their services.

8. Under such circumstances, this Court is of the considered view that an enquiry be conducted by the Joint Director, Health Services, Nagaon into the veracity of the claims made by the petitioner as well as the counterclaims made by the Gaon Panchayat members. The Joint Director will depute any competent Officer to enquire into the matter and furnish adequate report, upon taking the views of all concerns and thereafter pass necessary orders in respect of the claims made by the petitioner. If the claims made by the petitioner are found to be genuine and the petitioner is desirous of rendering her services as a Asha worker in Jeumari Sub-Centre under Samaguri BPHC Block, the Joint Director will pass an appropriate orders subject to fulfillment of the requirements as per provision of law. This enquiry and the consequential orders be passed by the Joint Director, as directed within 30 (thirty) days from the date of receipt of a certificate copy of this order. Prior to passing any order, the Joint Director, if required, will permit personal hearing of the petitioner as well as the other stakeholders.

9. Writ petition is accordingly disposed in terms of the above. No order as to cost.
10. If any honorarium and incentives are found to be payable to the petition, then the same shall be released by the Joint Director without further delay.

**JUDGE**

**Comparing Assistant**