

GAHC010174522023



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

Case No. : WP(C)/4576/2023

JAMAL UDDIN CHOUDHURY
S/O- ABDUL KARIM CHOUDHURY, VILLAGE- DUDPUR, PART-I, P.O.-
DUDPUR, (LAMA DUDPUR), DISTRICT- CACHAR, ASSAM, PIN- 788025

VERSUS

THE STATE OF ASSAM AND 3 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HEALTH AND FAMILY WELFARE
DEPARTMENT, DISPUR, GUWAHATI- 781006

2:THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI-36

3:THE JOINT DIRECTOR OF HEALTH SERVICES
CACHAR
P.O.- SILCHAR
DIST.- CACHAR
ASSAM
PIN- 788001

4:THE MEDICAL AND HEALTH OFFICER-1
GONIRGRAM STATE DISPENSARY
P.O. GONIRGRAM
DIST.- CACHAR
ASSAM
PIN- 78802

Advocate for the Petitioner : MR. A R TALUKDAR

Advocate for the Respondent : SC, HEALTH

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

11.08.2023

Heard Mr. A.R. Talukdar, learned counsel for the petitioner. Also heard Mr. DP Bora, learned Standing Counsel for the Health Department.

2. This writ petition has been filed by the petitioner who is presently working as Grade-IV/Sweeper/Cleaner post. The petitioner claims to have donated a plot of land for setting up a health centre.

3. The learned counsel for the petitioner refers to the extract of a receipt from the Office of the Sub Registrar of Barjatrapur in the district of Cachar to show that the petitioner is reflected as the donor and the Joint Director, Health Services, Assam is shown as the recipient and the fee payable has been exempted. The learned counsel for the petitioner submits that he is a very poor person and at the request made by the local authorities, he donated his land for setting up the health centre and he was assured that he will be given a Grade-IV job in the said health centre. The learned counsel for the petitioner has also referred to a communication submitted by the Medical and Health Officer No. 1, Gonirgram State Dispensary, Cachar District addressed to the Joint Director, Directorate of Health Service, Cachar, wherein it has stated that the petitioner had donated his plot of land for setting up of the health centre within his locality and as he is in a very poor financial condition, he requested for being engaged in any capacity as per his educational qualification by the Health Department. The Medical and Health Officer-1 recommended that the offer made by the

donor be accepted in order to improve the health services in that locality and the donor may be considered for the post of Grade-IV Sweeper (regular or contractual, whichever is applicable on a priority basis). Thereafter, the land was donated and the Health Centre was constructed and the petitioner was allowed to work as a Cleaner or a Sweeper. The petitioner has put in about 12 years of service, however inspite of his representations being filed before the Competent Authority, his plea for being regularised in the said post has not been considered as on date. He had represented before the local MLA, the Health Minister of the State as well as to the Directorate of Health Services, Hengrabari. It is submitted that his application more particularly the one submitted before the Director of Health Services remained unattended since the date of it's submission namely 06.05.2022. The learned counsel for the petitioner submits that the representation be disposed of with a speaking order.

4. Mr. D.P Bora, learned Standing Counsel Health Department submits that he does not object to the prayer made.

5. Accordingly, upon hearing the learned counsels for the parties and upon due perusal of the writ petition, this Court disposes of the writ petition with a direction to the Director of Health Services, Hengrabari, Guwahati to dispose of the application stated to have been filed by the petitioner. The Director of Health Service will examine the case of the petitioner and pass an appropriate order as per provision of law. Any such speaking order that is passed by the Director of Health Services disposing of the representation, the same shall be communicated to the petitioner. This direction is subject to the fact that the representation stated to have been pending before the Health Department and stated to have been filed on 06.05.2022 has not already been disposed of in the meantime. The Director will dispose of the representation within a period of 60

days from the date of the receipt of certified copy of the order.

6. With the above observation, the writ petition stands disposed of. No order as to cost.

JUDGE

Comparing Assistant