

GAHC010003812024



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

Case No. : WP(C)/90/2024

ANGITA DAS
D/O- ANUPAM DAS ,
R/O- GURMOW,
P.S- GORESWAR,
DIST- BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM, HEALTH AND FAMILY WELFARE DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE DIRECTOR

DEPARTMENT OF HEALTH SERVICES
ASSAM

P.O- HENGRABARI
P.S- DISPUR
KAMRUP (M)
ASSAM
GUWAHATI-36

3:THE DIRECTOR OF MEDICAL EDUCATION
ASSAM
SIXMILE
KHANAPARA
GUWAHATI-22

4:THE MISSION DIRECTOR
NATIONAL HEALTH MISSION

OFFICE OF THE MISSION DIRECTOR
SAIKIA COMMERCIAL COMPLEX
G.S. ROAD
CHRISTIANBASTI
GUWAHATI-5
DIST- KAMRUP (M)
ASSAM

5:SRIMANTA SANKARDEV UNIVERSITY OF HEALTH AND SCIENCE
REPRESENTED BY ITS VICE CHANCELLOR 2ND FLOOR
GUWAHATI MEDICAL COLLEGE BUILDING

NARKASUR HILL TOP
BHANGAGARH
GUWAHATI-781032
KAMRUP (M)

6:THE REGISTRAR
OF SRIMANTA SANKARDEV UNIVERSITY OF HEALTH SCIENCES
NARKASUR HILL TOP
BHANGAGARH
GUWAHATI-781032
DIST- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. B K GOGOI

Advocate for the Respondent : SC, HEALTH

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 10.01.2024

Heard Mr. B.K. Gogoi, learned counsel for the petitioner. Also heard Mr. D.P. Borah, learned standing counsel for the Health Department.

2. The petitioner, in pursuance to her application for being considered for admission into GNM Course had participated in the selection process conducted by the Srimanta Sankaradeva University of Health Sciences. On conclusion of the said selection process, the petitioner was issued with a mark-sheet, which is

available at Annexure-6 to the petitioner and therein the petitioner shown to have been placed at rank position 1558 by scoring 46 marks. It is the case of the petitioner that in the counseling process held for admission into the GNM Course, her case was not considered on the ground that on the 1st day of the year of admission, i.e. 1st January, 2022, she had not reportedly attained the age of 17 (seventeen) years. It is the stand of the petitioner that the petitioner was underage by 2 (two) months in as much as her date of birth is 01.03.2005.

3. On perusal of the educational notice dated 10.08.2022 and the eligibility criteria for admission into GNM Course for GNM Training School under the Govt. of Assam, it is seen that the prescription made with regard to age is:

“1. Minimum and Maximum age for admission will be 17 and 35 years. There is no bar for ANM/LHV.”

4. However, in an earlier process of recruitment which was initiated vide an educational notice dated 12.05.2022, the age criteria was mentioned as follows:

“6. Age: Candidate must be within the age limits of 17 to 24 years as on 1st January of the Year of Admission.”

5. The present criteria with regard to age as mentioned in the educational notice dated 10.08.2022 does not have a prescription that the said age is to be attained by the candidate as on the 1st January of the year of admission. In that view of the matter, the petitioner has made out a case for consideration for her admission into the GNM Course.

6. Mr. D.P. Borah, on instructions has submitted that there are vacant posts available in the GNM Course and the petitioner, if desires can be accommodated there.

7. In view of the said submission, this writ petition is disposed of by directing the petitioner to submit a representation along with a certified copy of this order to the Director of Health Services, Assam praying for her admission into the GNM Course.

8. The Director of Health Services, Assam, on receipt of such application from the petitioner and by considering the submission as made by Mr. D.P. Borah as recorded above as well as the finding of this Court with regard to the prescription of age criteria both in the educational notice dated 10.08.2022 and the earlier educational notice dated 12.05.2022 and there being no prescription with regard to having the requirement to have the minimum age acquired as of 1st of January of the year of admission in the educational notice dated 10.08.2022 proceed shall offer an admission to the petitioner if her merit position so warrants and she fulfils the eligibility criteria, other than the criteria pertaining to age.

9. The said exercise shall be completed within a period of 15 (fifteen) days from the date of receipt of a representation along with a certified copy of this order.

10. With the above observation, this writ petition stands disposed of.

JUDGE

Comparing Assistant