

GAHC010010732024



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

Case No. : WP(C)/640/2024

NABIN BORDOLOI
S/O- SRI JIBAN CHANDRA BORDOLOI, VILLAGE AND POST OFFICE-
RAMJANGATI, POLICE STATION- RAHA, DISTRICT- NAGAON, ASSAM, PIN-
782103

VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF SOCIAL JUSTICE AND
EMPOWERMENT, GOVERNMENT OF INDIA, SHASTRI BHAWAN, NEW
DELHI, DELHI- 110001

2:THE STATE OF ASSAM
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT
OF ASSAM
PERSONNEL DEPARTMENT
DISPUR, JANATA BHAWAN
GUWAHATI-6

3:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF SOCIAL JUSTICE AND EMPOWERMENT
DISPUR, JANATA BHAWAN
GUWAHATI-6

4:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
ASSAM
PANJABARI, KHANAPARA
GUWAHATI- 781037

5:THE STATE LEVEL RECRUITMENT COMMISSION FOR CLASS-III POSTS
REPRESENTED BY ITS CHAIRMAN/SECRETARY
ASSAM ADMINISTRATIVE STAFF COLLEGE

JAWAHARNAGAR
KHANAPARA
GUWAHATI-22

6:THE SECRETARY TO THE GOVT. OF ASSAM
MEDICAL EDUCATION AND RESEARCH DEPARTMENT
DISPUR, GUWAHATI-6

7:THE JOINT DIRECTOR OF HEALTH SERVICES
NAGAON, DISTRICT- NAGAON
ASSAM, PIN- 782001

8:THE MEDICAL BOARD
GAUHATI MEDICAL COLLEGE AND HOSPITAL
GUWAHATI-32, ASSA

Advocate for the Petitioner : MR. S K ROY

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

09-02-2024

Heard Mr. S. K. Roy, learned counsel for the petitioner. Also heard Mr. S. S. Roy, learned CGC for the respondent no. 1; Mr. C. K. S. Baruah, learned Govt. Advocate for respondent no. 2; Ms. R. Deka, learned counsel appearing on behalf of Mr. R. M. Das, learned Standing Counsel, Department of Social Justice and Empowerment for respondent no. 3; Ms P. Biswas, learned counsel appearing on behalf of Mr. S. Dutta, learned Standing Counsel, Panchayat & Rural Development Department for respondent no. 4; Mr. D. Upamanyu, learned counsel appearing on behalf of Mr. P. Choudhury, learned Standing Counsel, State Level Recruitment Commission for respondent no. 5 and Mr. D. Upamanyu, learned Standing Counsel, Health Department for respondent nos. 6, 7 & 8.

The petitioner is holding a disability certificate issued by the competent authority under the Department of Social Justice and Empowerment, Assam indicating the degree and nature of his disability. According to the certificate, the petitioner meets

the bench mark disability criteria of 40% disablement thus making him eligible to seek Government employment as a candidate belonging to the Persons with disability (PwD) category.

Pursuant to an advertisement dated 25.03.2022, issued by the Secretary, State Level Recruitment Commission, Assam for recruitment to the post of Class-III posts reserved for Persons with disability (PwD) of different Department under the Govt. of Assam, the petitioner participated in the said recruitment process and was selected under the Panchayat & Rural Development Department. Thereafter by notification dated 19.12.2022, the petitioner was directed to appear before the Medical Board at the Gauhati Medical College and Hospital for necessary medical examination. The petitioner accordingly appeared before the Medical Board as directed by the notification dated 19.12.2022.

Grievance of the petitioner before this Court is that the result of the medical examination pursuant to the notification dated 19.12.2022 is yet to be disclosed to the petitioner.

Considering the short question involved in the present writ petition, this writ petition is disposed of directing the concerned respondents to communicate the decision of the Medical Board to the petitioner against the post applied by him within a period of 3 (three) weeks from the date of receipt of a certified copy of this order.

Liberty is also granted to the petitioner to assail the decision of the Medical Board and/or Department of the Social Justice and Empowerment by filing a fresh writ petition, if so advised.

Writ petition stands disposed of.

JUDGE

Comparing Assistant