

GAHC010025362024



undefined

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

Case No. : WP(C)/1097/2024

BIBIKA BRAHMA AND 18 ORS.

S/O- BIJENDRA BRAHMA, R/O- VILL.- BRAHMAPARA, P.O. BISMURI F V,
P.S. AND DIST. KOKRAJHAR, ASSAM, PIN- 783370.

2: JATIN BASUMATARY

S/O- NALARAM BASUMATARY

R/O- VILL.- BASHBARI

P.O. BISHMURI F V

P.S. AND DIST. KOKRAJHAR

ASSAM

PIN- 783370.

3: RANJAN NARZARY

S/O- MOHEN NARZARY

R/O- VILL.- NO. 9 DWIKORGURY

P.O. BISHMURI F V

P.S AND DIST. KOKRAJHAR

ASSAM

PIN- 783370.

4: CHITTARANJAN DAIMARY

S/O- UKURSING DAIMARY

R/O- VILL.- OWABARI

P.O. BISHMURI F V

P..S AND DIST. KOKRAJHAR

ASSAM

PIN- 783370.

5: NARESH BASUMATARY

S/O- KATIMAL BASUMATARY

R/O- VILL.- ANTHAIBARI

P.O. BISHMURI F V

P.S. AND DIST. KOKRAJHAR

ASSAM

PIN- 783370.

6: RAJENDRA BASUMATARY
S/O- MADARAM BASUMATARY
R/O- VILL.- NO. 9 DWIKORGURI
P.O. BISHMURI F V
P.S. AND DIST. KOKRAJHAR
ASSAM
PIN- 783370.

7: CHAKRAMANI BRAHMA
S/O- DULAL BRAHMA
R/O- VILL.- BRAHMAPARA
P.O. BISHMURI F V
P.S. AND DIST. KOKRAJHAR
ASSAM
PIN- 783370.

8: PRAMOD BASUMATARY
S/O- ANTHAI BASUMATARY
R/O- VILL.- 9 NO. DHOLAPARA
P.O. BISHMURI F V
P.S. AND DIST. KOKRAJHAR
ASSAM
PIN- 783370.

9: SONEN BRAHMA
S/O- DRUBANATH BRAHMA
R/O- VILL.- 9 NO. DWIKORGURI
P.O. BISHMURI F V
P.S. AND DIST. KOKRAJHAR
ASSAM
PIN- 783370.

10: DAYAL BASUMATARY
S/O- SWIBESWAR BASUMATARY
R/O- VILL.- KEOTHAIPARA
P.O. BISHMURI F V
P.S. AND DIST. KOKRAJHAR
ASSAM
PIN- 783370.

11: KHARGESWAR BRAHMA
S/O- LATE HANGLA BRAHMA
R/O- VILL.- 9 NO. MAINAOPUR
P.O. BISHMURI F V
P.S. AND DIST. KOKRAJHAR
ASSAM

PIN- 783370.

12: SANDHICHARAN BASUMATARY
S/O- THAMFAY BASUMATARY
R/O- VILL.- 9 NO. MAINAOPUR
P.O. BISHMURI F V
P.S. AND DIST. KOKRAJHAR
ASSAM
PIN- 783370.

13: ASAK BASUMATARY
S/O- BUDAN BASUMATARY
R/O- VILL.- 9 NO. MAINAOPUR
P.O. BISHMURI F V
P.S. AND DIST. KOKRAJHAR
ASSAM
PIN- 783370.

14: AMAR BASUMATARY
S/O- JALESHAR BASUMATARY
R/O- VILL.- BASHBARI
P.O. BISHMURI F V
P.S. AND DIST. KOKRAJHAR
ASSAM
PIN- 783370.

15: BIREN BORO
S/O- RATIRAM BORO
R/O- VILL.- 9 NO. MAINAOPUR
P.O. KARIGAON
BISHMURI
F V
P.S. AND DIST. KOKRAJHAR
ASSAM
PIN- 783370.

16: MADHAB BRAHMA
S/O- BABHEN BRAHMA
R/O- VILL. 23
NO. 10 ROAD
BRAHMAPARA
P.O. BISHMURI F V
P.S. AND DIST. KOKRAJHAR
ASSAM
PIN- 783370.

17: PERLARAM BRAHMA
S/O- TIPU BRAHMA

R/O- VILL. MOHANPUR
BRAHMAPARA
P.O. BISHMURI F V
P.S. AND DIST. KOKRAJHAR
ASSAM
PIN- 783370.

18: SWRANG MWCHAHARY
S/O- RAMESWAWMWCHAHARY
R/O- VILL. BRAHMAPARA
P.O. BISHMURI F V
P.S. AND DIST. KOKRAJHAR
ASSAM
PIN- 783370.

19: RATU BASUMATARY
S/O- RABIRAM BASUMATARY
R/O- VILL. BRAHMAPARA
P.O. BISHMURI F V
P.S. AND DIST. KOKRAJHAR
ASSAM
PIN- 783370

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, HEALTH AND FAMILY WELFARE DEPARTMENT, DISPUR,
GUWAHATI-06.

2:THE MISSION DIRECTOR

NATIONAL HEALTH MISSION
ASSAM
CHRISTIANBASTI
GHY-05.

3:THE DIRECTOR OF HEALTH SERVICE
ASSAM
HENGRABARI
GUWAHATI-36.

4:THE PRINCIPAL SECRETARY BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM
PIN- 783370.

5:THE JOINT SECRETARY

HEALTH AND FAMILY WELFARE DEPARTMENT
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM
PIN- 783370

Advocate for the Petitioner : MR. R Deka, S I AKAND

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

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 22.11.2024

Heard Mr. S. I. Akand, learned counsel for the petitioners.

This writ petition is filed by as many as 19 petitioners who claim to be residents of Brahmapara, under Bishmuri Police Station, in the District of Kokrajhar (BTR), Assam.

The grievance is that the area that there is no Health Care System available in the vicinity of their village. They submitted representations as well as the applications before the Chief Executive Member, Bodoland Territorial Council, Bodofa Nagar, through the District Legal Services Authority, Kokrajhar with a prayer for creation of Mini PHC/Sub-Centre at Brahmapara, Bishmuri, in the Kokrajhar District.

It is the grievance of the petitioners that in spite of the representation filed, no steps has been taken by the respondent authority for establishment of a new Mini PHC/Sub-Centre at Brahmapara, Bishmuri, in the Kokrajhar District.

This Court had earlier permitted the learned Standing counsel, Health

Department to obtain the required instructions in the matter.

Today Ms. S. Sharma, learned Standing counsel appearing for the Health Department has placed before the Court a communication received from the Director of Health Services that the proposal has been received by National Health Mission, Assam from the District Health Authority for establishment of a new Mini PHC/Sub-Centre at Brahmapara, Bishmuri, in the Kokrajhar District and sanction in this case has been received for the financial year 2023-24 against which administrative approval has also been received and thereafter the steps have been taken by the Department for floating necessary tender for establishment of the new Mini PHC/Sub-Centre at Brahmapara, Bishmuri, in the Kokrajhar District.

It is seen that the prayer of the writ petition is limited to a direction to the respondents for establishment of new Mini PHC/Sub-Centre at Brahmapara, Bishmuri, in the Kokrajhar District.

From the communications placed as discussed above, it is seen that the respondents have already taken the necessary steps towards establishment of the new Mini PHC/Sub-Centre in the said area.

Under such circumstances, since the Government has already acted upon the prayer made by the petitioners, it expected that the work will be executed in right earnest and within the shortest possible time to establish the New Health Center for the benefit of the people that area.

Considering the above, this writ petition stands closed directing the respondents to pursue the work that has been sanctioned and for which administrative approval has also been received. In terms of the sanction and

approval received the respondents will call for necessary tenders and execute the work for establishment of a new Mini PHC/Sub-Centre at Brahmapara, Bishmuri, in the Kokrajhar District.

With above observation this writ petition stands disposed of.

Copy of the instructions received from the learned Standing counsel is kept on record.

Since, it is submitted by the learned counsel for the petitioners that a contingency arrangement is in place in the said area by arranging the visit of a Medical personnel once in a week and until the Government proceeds to establish a new Mini PHC/Sub-Centre at Brahmapara, Bishmuri, in the Kokrajhar District and appoint the necessary staff including the medical personal, this contingency arrangement may be permitted to be continued.

Considering the prayer made, if any contingency arrangement is already in place for the said area by deputing medical personnel to the said area, the same shall continue until the new Mini PHC/Sub-Centre at Brahmapara, Bishmuri, in the Kokrajhar District is established and necessary staff including the Medical personnel are appointed thereto.

JUDGE

Comparing Assistant