

GAHC010107232019



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

Case No. : WP(C)/1639/2018

RIJUL ALI
S/O- SRI MAKIB ALI
R/O- VILL- MANAHKUCHI
P.O- MANAHKUCHI
P.S- HAJO
DIST- KAMRUP(R)
ASSAM
PIN- 781104

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
HEALTH AND FAMILY WELFARE DEPTT
DISPUR
GUWAHATI-6

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

3:THE JOINT DIRECTOR OF HEALTH SERVICES
KAMRUP (R)
P.O- AMINGAON
DIST- KAMRUP(R)
ASSAM

4:THE JOINT DIRECTOR OF HEALTH SEVICES
CACHAR
P.O- SILCHAR

DIST- CACHAR
ASSAM

5:THE SUB DIVISIONAL MEDICAL AND HEALTH OFFICER
BOKO BLOCK PHC
BOKO
DIST- KAMRUP (R)
ASSAM

6:THE SUB DIVISIONAL MEDICAL OFFICER
HARINAGAR BLOCK PHC
P.O- HARINAGAR
DIST- CACHAR
ASSAM

7:ARJUL HOQUE TALUKDAR
S/O- AJIJUR RAHMAN TALUKDAR
R/O- VILL- DAMPUR
P.O- DAMPUR
P.S- HAJO
DIST- KAMRUP(R)
ASSAM
PIN- 781102

Advocate for : DR. B AHMED
Advocate for : SC
HEALTH appearing for THE STATE OF ASSAM AND 6 ORS.

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

09.09.2024

In the instant writ petition, the transfer order dated 12.01.2018 issued by the respondent No.2 has been assailed on the ground that the same has been issued by the authorities only to accommodate the respondent No.7.

2. Taking note of the grievance expressed by the petitioner, this Court, by order dated 21.03.2018, had passed an interim order directing maintenance of status quo and that is how despite the order dated 12.01.2018, the writ

petitioner has continued to serve in the Dhubguri Sub-Center of Boko Block PHC under the control of the Joint Director of Health Services, Kamrup (R) till date.

3. Mr. K. Uddin, learned counsel for the petitioner submits that he has not received any instruction from his client.

4. Be that as it may, since the transfer order under challenge was passed in the month of January, 2018, after a lapse of more than six years, the challenge to the said order on the grounds mentioned in the writ petition would no longer survive.

5. Ms. D. Borah, learned Standing Counsel, Health and Family Welfare Department, Assam has also submitted that the writ petition has become infructuous and the same be closed.

6. After considering the nature of grievance expressed in the writ petition and the submissions made by the learned counsel for both the side, this writ petition is being disposed of as infructuous.

7. Interim order passed earlier shall stand vacated.

8. It would be open for the respondents to pass fresh order of transfer involving the petitioner and the private respondent, if so advised.

JUDGE

Comparing Assistant