

GAHC010116102024



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

Case No. : WP(C)/3076/2024

BIYOLA BARUAH
W/O- MR. MAHESWAR SAIKIA,
R/O- VILLAGE- UDMARI GAON,
P.O.- BALIPARA,
DISTRICT- SONITPUR, ASSAM,
PIN- 784101.

VERSUS

1. THE UNION OF INDIA AND 3 ORS.
THROUGH-
THE SECRETARY,
TO THE GOVERNMENT OF INDIA,
MINISTRY OF HEALTH AND FAMILY WELFARE,
NEW DELHI.

2: THE DIRECTOR
LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH. TEZPUR DISTRICT- SONITPUR
ASSAM PIN- 7840001.

3: THE DEPUTY DIRECTOR
LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH TEZPUR DISTRICT- SONITPUR
ASSAM PIN- 784001.

4: THE CHIEF ADMINISTRATIVE OFFICER
LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH, TEZPUR
DISTRICT- SONITPUR
ASSAM, PIN- 784001

Advocate for the Petitioner : MR. S C BISWAS
Advocate for the Respondent : DY.S.G.I.

BEFORE
HON'BLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 14-06-2024

Heard Mr. S.C. Biswas, learned counsel for the petitioner as well as Mr. A.K. Dutta, learned CGC and Standing Counsel, Lokopriya Gopinath Bordoloi Regional Institute of Mental Health (LGBRIMH) representing the respondents.

2. In the writ petition, the petitioner has projected that she was suffering from orthopaedic problem for which she was on medical leave from 04.04.2024 till 30.05.2024 and on being declared medically fit, she wanted to join her service but her joining report was not accepted and she was asked to appear before the Medical Board on 27.05.2024.

3. When the Medical Board was fixed on 27.05.2024, the petitioner by email dated 26.05.2024 requested the authorities to re-schedule the Medical Board which was accepted and the Medical Board scheduled on 27.05.2024 was cancelled.

4. The petitioner claims that the next date of Medical Board was not informed to her and the respondents are also not releasing her salary.

5. Mr. A.K. Dutta, learned CGC as well as Standing Counsel, LGBRIMH, Tezpur, has referred to the office order dated 24.12.2021 which has been produced by him and it is stated that the medical/fitness certificates are acceptable only if issued from a authorized medical attendants of the Institute or a Medical Board constituted by the Institute/Government hospitals and only

in the format provided thereunder.

6. It is also submitted that by an office order dated 02.05.204, the Medical Board of 4 Doctors was constituted and the petitioner was informed to attend the same which was issued on 20.05.2024 and also by email dated 26.05.2024. But at the eleventh hour, the petitioner sent email dated 26.05.2024 requesting for deferment of the Medical Board due to her acute health condition.

7. It is also submitted that the Medical Board was constituted of 4 Doctors including one External who was required to be from a different Hospital. Accordingly, it is submitted that if the petitioner co-operates by attending the Medical Board only then her leave can be regularized and the salary be disbursed for the period she is claiming.

8. In view of the submissions made by the learned CGC who is also the Standing Counsel, LGBRIMH, the Court is inclined to close this writ petition by directing the petitioner to appear before the Medical Board, so constituted by the authorities of the LGBRIMH, Tezpur, without seeking any deferment of the said Medical Board.

9. Accordingly, the Director, LGBRIMH, Tezpur, shall constitute a Medical Board and inform the petitioner about the date and time when the Medical Board is convened.

10. It is made clear that if the petitioner seeks deferment of the sitting of the Medical Board, she would be doing the same at her own risk.

11. The petitioner shall produce a certified copy of this order before the respondent No.2 so as to enable the said authority to constitute a Medical Board and to fix the date and time of holding of the Medical Board to examine the petitioner.

12. A notice to the petitioner through her email address would be sufficient the mode of informing the petitioner of the venue, date and time for appearing, without requiring physical copies of the notice to be served on her.

13. With the aforesaid observations and directions, this writ petition stands closed at the motion stage without issuance of notice to the respondents.

JUDGE

Comparing Assistant