

GAHC010144662021



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

Case No. : WP(C)/4767/2021

ROBIN CHANDRA BORA AND 7 ORS.
S/O LT. NOBIN CHANDRA BORA, R/O VILL-KHUTIKATIA, NEAR BAR-
NAMGHAR, WARD NO. 19, P.O.-HAIBORGAON, DIST-NAGAON, ASSAM,
PIN-782002

2: BHUPEN BORA
S/O SUREN BORA
R/O VILL-DOOMDOMIA
P.O.-EALISATIA
DIST-NAGAON
ASSAM
PIN-782122

3: GAUTAM SAIKIA
S/O LT. PURNA KT. SAIKIA
VILL-JURIA TELIABEDEJIA BAMUNGAON
P.O. AND P.S.-JURIA
DIST-NAGAON
ASSAM
PIN-782124

4: JAYANTA KR. BATTACHARJYA
S/O LT. TANKESWAR BATTACHARJYA
R/O AKROUHI CHOK
P.O.-JAKHALABANDHA
P.S.-KOLIABOR
DIST-NAGAON
ASSAM
PIN-782136

5: NIPON MODOI
S/O SRI TANU RAM MODOI
VILL-CHOUL KHOWA
P.O.-CHAKALA GHAT

P.S.-JAJARI
DIST-NAGAON
ASSAM
PIN-782142

6: CHANRDA KUMAR BORA
S/O HOMESWAR BORA
VILL-KOTHIATOLI
P.O.-KOTHIATOLI
DIST-NAGAON
ASSAM
PIN-782427

7: PURNA BORKAKATI
S/O LT. DUMBAR BORKAKATI
VILL-WEST SALMARA
P.S.-RAHA
DIST-NAGAON
ASSAM
PIN-782013

8: GANESH CHANDRA HAZARIKA
S/O SRI KINA RAM HAZARIKA
VILL-KARCHUNG SOTRO
P.S.-JAJORI
DIST-NAGAON
ASSAM
PIN-78200

VERSUS

THE STATE OF ASSAM AND 5 ORS.
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HEALTH AND FAMILY WELFARE
DEPARTMENT, DISPUR, GUWAHATI-6

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

3:THE JOINT DIRECTOR OF HEALTH SERVICES
NAGAON DISTRICT
ASSAM

4:JOINT DIRECTOR OF HEALTH SERVICES (MALARIA)
ASSAM
SAIKIA COMMERCIAL COMPLEX

G.S. ROAD
GHY-5

5:SUB-DIVISIONAL MEDICAL AND HEALTH OFFICER
JAKHALABANDHA PHC
DIST-NAGAON
ASSAM
PIN-782136

6:SUB-DIVISIONAL MEDICAL AND HEALTH OFFICER
LANKA PHC
(NAGAON)
DIST-NAGAON
ASSAM
PIN-78244

Advocate for the Petitioner : Mr M U Ahmed

Advocate for the Respondent : SC, HEALTH AND F W

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

26.02.2024.

Heard the learned counsel for the parties.

The petitioners have preferred the instant writ petition seeking a similar order as passed in Writ Appeal Nos. 158/2002 and Writ Appeal No. 159/2002 inasmuch as it is the case of the petitioners that the petitioners are similarly situated as those appellants in the writ appeals.

By a Judgment and Order dated 19.10.2012, passed in Writ Appeal No. 357/2009, this Court provided that the appellants/surveillance Workers in Nagaon and Morigaon district be permitted to participate in a selection process for Surveillance Worker which was the subject matter of this writ petition that may be conducted by the respondent authorities. It was further provided in the said order that in the event,

those appellants are found to be overaged, necessary relaxation may be granted. A further direction was issued that such selection process should be completed within a period of four months from passing of the order in writ appeal. It was also provided that the appellants shall not be disqualified, if they do not possess the Higher Secondary qualification as per the 2006 orders.

It is submitted by the learned counsel for the petitioners that subsequently, a selection process was initiated, the petitioners also participated in the selection, however, they were not selected. The learned counsel further submits that the selection process was not at all in conformity with law and they are desirous of challenging such order. Accordingly, the learned counsel for the petitioners submits that this writ petition may be closed as already the order passed in Writ Appeal has been complied with and the petitioners have been allowed to participate in the selection process during the pendency of the writ petition, however, with a liberty to challenge the subsequent selection process wherein they had participated but got unsuccessful.

Mr. B. Gogoi, learned Standing Counsel for the Health and Family Welfare Department has also not objected to such prayer.

Considered the submissions of the learned counsel of both the parties. As the petitioners were allowed to participate in the subsequent selection process, the primary grievance of the writ petitioners had already been redressed.

Accordingly, this writ petition stands closed on being infructuous. However, the petitioners shall be at liberty to assail the selection process, if so advised.

This writ petition stands disposed of.

JUDGE

Comparing Assistant