

GAHC010147802024



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

Case No. : WP(C)/3851/2024

EBRAHIM ALI
S/O- LATE SOMESH ALI, RESIDENT OF VILL. SOWARI POITARI, P.O.
JOYBHUM, P.S. BAGUAN, DIST. GOALPARA, ASSAM, PIN- 783129

VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF ASSAM, HEALTH AND FAMILY WELFARE (A) DEPARTMENT,
DISPUR, GUWAHATI- 781006

2:THE JOINT SECRETARY
TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE (A) DEPARTMENT
DISPUR
GUWAHATI- 781006

3:THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI-36
P.O. HENGRABARI
P.S. DISPUR
GUWAHATI- 781036

4:THE DISTRICT LEVEL COMMITTEE (DLC)
GOALPARA REPRESENTED BY THE DEPUTY COMMISSIONER
GOALPARA P.O. AND P.S. GOALPARA
DIST.- GOALPARA
ASSAM
PIN- 783101

5:THE JOINT DIRECTOR OF HEALTH SERVICES
GOALPARA
P.O.
P.S. AND DIST. GOALPARA
ASSAM
PIN- 78310

Advocate for the Petitioner : MR. A A R KARIM, MD S A MONDAL,MR. H A HUSSAIN

Advocate for the Respondent : GA, ASSAM, SC, HEALTH

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

02.08.2024.

Heard Shri AAR Karim, learned counsel for the petitioner and Shri D Bora, learned State Counsel, Assam. Also heard Ms. S Sarma learned Standing Counsel, Health Department, Assam.

The facts projected are that the father of the petitioner, Somesh Ali was working as a Rural Health Inspector in short RHI at Chunari State Dispensary in the Department of Health and Family Welfare in the district of Goalpara and he had passed away while in service on 14.06.2016. The petitioner claims to have applied for appointment on compassionate ground on 18.08.2016. The case of the petitioner was however rejected by the DLC, Goalpara on 23.02.2018 on the ground of requisite numbers of vacancies.

Shri D Bora, the learned State Counsel on the other hand has submitted that the death being in the year 2016, any direction for appointment on compassionate ground would be against the very object and purpose of the scheme. It is submitted that the Hon'ble Supreme Court in a catena of decisions including the decision of ***State of West Bengal Vs. Debabrata Tiwari & Ors.***, reported in **AIR 2023 SC 1467** has laid down the principles and the case of the petitioner does not fall within those guidelines

requiring any consideration.

At this stage, Shri Karim, learned counsel for the petitioner prays for withdrawing the writ petition.

Accordingly, the writ petition is dismissed on withdrawal.

JUDGE

Comparing Assistant