

GAHC010164742021



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

Case No. : WP(C)/6333/2021

ABHIJIT ROY
C/O DILIP BORA, HOUSE NO. 517, PRAGATI NAGAR, SAKIALCHUK, P.O.
DERGAON, DIST. GOLAGHAT, ASSAM, PIN 785614

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT. OF
ASSAM, HEALTH DEPTT., DISPUR, GHY 6

2:THE DIRECTOR OF HEALTH SERVICES (FW)
ASSAM
SWASTHYA BHAWAN
HENGRABARI
GHY 36

3:THE DIRECTOR OF MEDICAL EDUCATION

ASSAM
SIXMILE
GHY 22

4:THE CONTROLLER OF EXAMINATION CUM MEMBER SECY.

DIRECTOR OF MEDICAL EDUCATION
ASSAM
SIXMILE
GHY 22

5:THE JOINT DIRECTOR OF HEALTH SERVICES (SPIO)
ASSAM
SWASTHYA BHAWAN

HENGRABARI
GHY 36

6:THE DEPUTY DIRECTOR OF MEDICAL EDUCATION

ASSAM
SIXMILE
GHY 2

Advocate for the Petitioner : MR. N HOSSAIN, MR S N ADHYAPAK,MS B DAS,MR F
HAQUE,MR. A R KHAN,MR. A R SIKDAR,MR. M MANDAL

Advocate for the Respondent : SC, HEALTH,

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 04/11/2024

Heard Mr. S. N. Adhyapak, learned counsel for the writ petitioner. Also heard Mr. D.P. Borah, learned Standing Counsel, Health Department, Assam, appearing for the official respondents.

It appears that the petitioner herein, had participated in a recruitment process initiated on the basis of the advertisement notice dated 02/11/2018 for filling up a number of Grade-IV posts in the Health Department. After the selection process was concluded, the authorities have apparently made appointment of the successful candidates.

The grievance of the petitioner is primarily two folds. Firstly, that the authorities have not declared the result of the selection test, thus, maintaining total non-transparency in the matter. The petitioner has also alleged that some other candidates, who had not fared well in the selection test, have been appointed.

Taking note of the stand of the petitioner, this Court had passed order dated 08/09/2023, which is reproduced herein below for ready reference :-

“08-09-2023

Heard Mr. S.N. Adhyapak, learned counsel for the petitioner. Also heard Mr. D.P. Borah, learned Standing Counsel, Health Department. List the matter after 1 (one) week enabling Mr. D.P. Bora, learned Standing Counsel, Health Department to produce the marks obtained by Roll Nos.93101742, 93300072, 93300247, 93301215, 93301247, 93302327 and 93200074. This direction was issued by this Court on 01.12.2021 also.

Accordingly, list the matter on 21.09.2023.”

Thereafter, the learned departmental counsel has produced the mark-sheets of all the candidates mentioned in the order dated 08/09/2023 wherefrom, it appears that the petitioner had failed in the selection test. Not only that, the other candidates, against whom allegations have been made without, however, making them parties to the writ petition, had also failed. Therefore, the allegations made in the writ petition have turned out to be factually incorrect.

If that be so, this Court is of the opinion that no live issue arises in this case that calls for adjudication by this Court.

At this stage, Mr. Adhyapak submits that the application filed by his client under Right to Information Act, 2005 has not been properly responded to till date. Even if such an allegation turns out to be correct, even then, the petitioner has statutory remedy which he can avail. As such, the writ petition will not be maintainable merely on such count.

With the above observation, the writ petition stands disposed of as not maintainable.

JUDGE

Sukhamay

Comparing Assistant