

GAHC010199212024



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

Case No. : WP(C)/5036/2024

ABHIGYAN RAJ DUTTA
S/O- PRAMOD DUTTA,
R/O- WARD NO-1, NEAR KALI MANDIR, SANTIPARA,
P.S- MANGALDOI,
DIST- DARRANG,

PRESENT ADDRESS-
P.O- DEKARGAON,
P.S- TEZPUR, DIST- SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM, HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR, JANATA BHAWAN, GUWAHATI-6.

2:DIRECTORATE OF SOCIAL JUSTICE AND EMPOWERMENT
GOVT. OF ASSAM

DISPUR
JANATA BHAWAN
GUWAHATI-6.

3:THE COMMISSIONER FOR PERSONS WITH DISABILITIES
GOVT. OF ASSAM
GUWAHATI-06

4:THE SUPERINTENDENT
GMCH
ASSAM
GUWAHATI-06

5:THE JOINT DIRECTOR
(HEALTH)
MANGALDOI ASSA

Advocate for the Petitioner : MR MINTU SAIKIA, MR J FIRDAUS,MS R DUTTA

Advocate for the Respondent : SC, HEALTH, GA, ASSAM,SC, SOCIAL JUSTICE AND
EMPOWERMENT

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

27.09.2024

Heard Mr. M. Saikia, learned counsel for the petitioner, who submits that the petitioner had prayed for issuance of a disability certificate under the Assam Right to Public Service Act, 2012 (hereinafter referred to as 'the Act'), due to the petitioner's left hand having become paralysed in relation to a vehicular accident, arising out of Kaliabor P.S. Case No.19/2023 registered under Sections 279/338/304A of the IPC.

2. The petitioner's counsel submits that the petitioner is in need of the disability certificate for making a claim for compensation before the learned Motor Accidents Claims Tribunal in Kamrup (M). He submits that despite the prayer of the petitioner being made to the Joint Director of Health, Darrang District for issuance of a disability certificate, no action has been taken by the Joint Director of Health, Darrang.

3. Ms. S. Sarma, learned Standing Counsel, Health Department; Ms. D. Jain, learned counsel appearing for the Directorate of Social Justice and

Empowerment and Mr. S.R. Baruah, learned counsel appearing for the respondent No.3 submit that the writ petition can be disposed of, if a direction is issued to the Superintendent, GMCH, Guwahati (respondent No.4) to constitute a Medical Board, to examine the petitioner's injury. If the petitioner is eligible to be given a disability certificate, the same can be given on the basis of the report made by the Medical Board.

4. Ms. S. Sarma, learned counsel also submits that the Joint Director of Health, Darrang could not pass any orders in respect of the prayer of the petitioner, in view of the fact that there was no Neurological Expert in Darrang District to examine the petitioner.

5. In view of the submissions made by the counsels for the respondents, the writ petition is being disposed of, with a direction to the respondent No.4 to constitute a Medical Board, within a period of 4(four) weeks from the date of receipt of a certified copy of the order. The Medical Board shall thereafter examine the petitioner and if it is found that the petitioner is eligible to be issued a disability certificate, the same should be issued to the petitioner.

JUDGE

Comparing Assistant