

GAHC010201812023



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

Case No. : WP(C)/5280/2023

BASANTA BORUAH
SON OF LATE AMULYA BORUAH,
VILLAGE- 1 NO. GHILAMARA,
P.O.- GHILAMARA, P.S.- GHILAMARA,
DISTRICT- LAKHIMPUR, ASSAM,
PIN- 787053.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
PERSONNEL DEPARTMENT, DISPUR,
GUWAHATI- 781006.

2:THE STATE LEVEL RECRUITMENT COMMISSION (SLRC) FOR CLASS IV
POSTS

REPRESENTED BY ITS SECRETARY
ASSAM ADMINISTRATIVE STAFF COLLEGE
JAWAHARNAGAR
KHANAPARA
GUWAHATI- 781022.

3:THE SECRETARY TO THE GOVT. OF ASSAM
MEDICAL EDUCATION DEPARTMENT
DISPUR
GUWAHATI- 781006.

4:THE DIRECTOR OF MEDICAL EDUCATION
ASSAM
SIX MILE
KHANAPARA
GUWAHATI- 781022.

5:THE PRINCIPAL-CUM-CHIEF SUPERINTENDENT
GAUHATI MEDICAL COLLEGE AND HOSPITAL

GUWAHATI- 781032.
6:THE JOINT DIRECTOR OF HEALTH SERVICES-CUM-CHAIRMAN
DISTRICT MEDICAL BOARD
LAKHIMPUR
NORTH LAKHIMPUR
ASSAM
PIN- 787001.
7:THE SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF SCHOOL EDUCATION
DISPUR
GUWAHATI- 781006.
8:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019

Advocate for the Petitioner : MR N SARMA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 12.02.2024

Heard Mr. N. Sarma, learned counsel for the petitioner. Also heard Mr. A. Chakravarty, learned Govt. Advocate for the respondent No.1; Mr. B. Choudhury, learned standing counsel, SLRC for the respondent No.2; Ms. D. Bora, learned standing counsel, Health Department for the respondent Nos. 3 to 6 and Mr. T. Thakuria, learned standing counsel, School Education Department for the respondent Nos. 7 and 8.

2. The petitioner is holding a Disability Certificate issued by Competent Authority under the Department of Social Justice and Empowerment, Government of India indicating the degree and nature of his disability. According to the Certificate, the petitioner meets the bench mark disability with 40 % disablement thus making him eligible to seek Government employment as a

candidate belonging to the Persons with disability (PwD) category.

3. Pursuant to an Advertisement which was published on 25.03.2022, issued by the Secretary, State Level Recruitment Commission for Class-IV posts, the petitioner applied for the Grade-IV post under the PwD category. The petitioner participated in the recruitment process and was selected under the Secondary Education Department. Thereafter, by a notice which was published on 17.05.2023, petitioner was directed to appear before the Medical Board at the Gauhati Medical College & Hospital for necessary medical examination. The petitioner accordingly appeared before the Medical Board on the date fixed as directed by the notice which was published on 12.05.2023.

4. Grievance of the petitioner before this Court is that the result of the medical examination which was held pursuant to the notice which was published on 12.05.2023 is yet to be disclosed to the petitioner.

5. Considering the short question involved in the present writ petition, this writ petition is disposed of directing the concerned respondents to communicate the decision of the Medical Board to the petitioner against the post applied by him within a period of 3(three) weeks from the date of receipt of a certified copy of this order. Liberty is also granted to the petitioner to assail the decision of the Medical Board and/or Department of Social Justice and Empowerment by filing a fresh writ petition, if so advised.

6. With the above observations and directions, writ petition stands disposed of.

JUDGE

Comparing Assistant