

GAHC010203232023



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

Case No. : WP(C)/5656/2023

BISHAL BASFORE AND 21 ORS
S/O BADCHARAN BASFORE, R/O VILL- SALAKATI BAZAR, P.O. AND P.S.-
SALAKATI, DIST- KOKRAJHAR, PIN-783369, ASSAM

2: SANJAY BASFORE
SON OF AMERICA BASFORE

RESIDENT OF PANDU INSTITUTE COLONY
P.O- PANDU REST CAMP
P.S- JALUKBARI
DISTRICT- KAMRUP (METRO)
GUWAHATI
PIN- 781012
ASSAM

3: JONY BASFORE
DAUGHTER OF BABULAL BASFORE

RESIDENT OF VILLAGE AND P.O AND P.S-DOTMA
DISTRICT- KOKRAJHAR
PIN- 783347
ASSAM

4: DIBAKAR BASFORE
SON OF LALAN BASFORE

RESIDENT OF SIMALUGIRI RAILWAY COLONY
P.O AND P.S- SIMALUGURI
DISTRICT- SIBSAGAR
PIN- 785686
ASSAM

5: DEEPAK BASFORE
SON OF BIJAY BASFORE

RESIDENT OF AM CO ROAD
P.S
AND P.O- DHUBRI
DISTRICT- DHUBRI
PIN- 783323
ASSAM

6: SANKAR BASFORE
SON OF BIJAY BASFORE

RESIDENT OF AAMBAGAN DHUBRI
P.O- BIDYAPARA
P.S- DHUBRI
DISTRICT- DHUBRI
PIN- 783324
ASSAM

7: AJAY BASFORE
SON OF KANAI BASFORE

RESIDENT OF BOALKUMARI
P.O- AMINKATA
P.S- GOSSAIGAON
DISTRICT- KOKRAJHAR
PIN-783337
ASSAM

8: SMTI. UMA BASFORE
DAUGHTER OF BIJAY BASFORE

RESIDENT OF AM COLONY ROAD DHUBRI
P.S AND P.O- DHUBRI
DISTRICT- DHUBRI
PIN- 783323
ASSAM

9: ARUN BASFORE
SON OF LATE BHARAT BASFORE

RESIDENT OF FOREST COLONY
P.S AND P.S- MAKUM
DISTRICT- TINSUKIA
PIN- 786170
ASSAM

10: MANOJ BASFORE
SON OF LATE RAJA BASFORE

RESIDENT OF KANKLATA ROAD
WARD NO.1
P.O AND P.S- BONGAIGAON
DISTRICT- BONGAIGAON
PIN- 783380
ASSAM

11: MUNNA BASFORE
SON OF KHOBARI BASFORE

RESIDENT OF FAKIRANGARM RAILWAY COLONY
P.O AND P.S- FAKIRAGRAM
DISTRICT- KOKRAJHAR
PIN-783345
ASSAM

12: MUNNA BASFORE
SON OF BIHARILAL BASFORE

RESIDENT OF FAKIRANGRAM RAILWAY COLONY
P.S AND P.O- FAKIRAGRAM
DISTRICT- KOKRAJHAR
PIN- 783345
ASSAM

13: ARJUN BASFORE
SON OF RUPNATH BASFORE

RESIDENT OF FAKIRANGRAM RAILWAY COLONY
P.S AND P.O- FAKIRAGRAM
DISTRICT- KOKRAJHAR
PIN- 783345
ASSAM

14: BHIM BASFOR
SON OF LATE BISHWANATH BASFOR

RESIDENT OF JHAGRAPARA MEDICAL COLLEGE
WORD NO.1
P.O AND P.S- JHAGRAPARA
DISTRICT- DHUBRI

PIN- 783324
ASSAM

15: SUNIL BASFORE
SON OF MANAGER BASFORE

RESIDENT OF BALAGU MANDIR NEW COLONY
QTR NO. 619
P.O AND P.S- BONGAIGAON
DISTRICT- BONGAIGAON
PIN- 783380
ASSAM

16: GOPAL BASFORE
SON OF LATE SUDAMA BASFORE

RESIDENT OF PORT ROAD PANDU LOCO COLONY
P.O- PANDU
P.S- JHALUKBARI
GUWAHATI
DISTRICT- KAMRUP (METRO)
PIN- 781012
ASSAM

17: SMTI. HEMONTI BASFORE
DAUGHTER OF MOTILAL BASFORE

RESIDENT OF VILLAGE KHALILPUR
R.K. MISSION ROAD
P.O. AND P.S.-DHUBRI
DISTRICT- DHUBRI
PIN- 783324
ASSAM

18: KAMAL BASFORE
SON OF SRI BIJULI BASFORE

RESIDENT OF VILLAGE R.MS COLONY
WORD NO. 7
P.O AND P.S- RANGIA
DISTRICT- KAMRUP
PIN- 781354
ASSAM

19: PRITAM BASFORE
SON OF JAGESWAR BASFORE

RESIDENT OF KOKRAJHAR MUNICIPAL COLONY
WORD NO.7
P.O AND P.S-KOKRAJHAR
DISTRICT- KOKRAJHAR
PIN- 783370
ASSAM

20: BARDESH BASFORE
SON OF BIJULI BASFORE

RESIDENT OF RMS RAILWAY COLONY
WORD NO.7
P.O AND P.S- RANGIA
DISTRICT- KAMRUP
PIN- 781354
ASSAM

21: KARAN BASFORE
SON OF KIRAN BASFORE

RESIDENT OF BALAJEE MANDIR RAILWAY COLONY
P.S AND P.S- BONGAIGAON
DISTRICT- BONGAIGAON
PIN- 783380
ASSAM

22: KANCHANA BASFORE
DAUGHTER OF LATE RAJEN BASFORE

RESIDENT OF NAGAON POLICE HOSPITAL CAMPUS
B.K. ROAD
P.O- NAGAON
P.S- SADAR
DISTRICT- NAGAON
PIN- 782001
ASSA

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
ASSAM SACHIVALAYA, DISPUR, GUWAHATI-781005

2:DIRECTOR OF HEALTH SERVICES
ASSAM
DIRECTORATE OF HEALTH SERVICES
HENGRABARI
GUWHAATI-781036

3:DIRECTOR OF MEDICAL EDUCATION
DIRECTORATE OF MEDICAL EDUCATION
SIX MILE
KHANAPARA
GUWAHATI-781023

Advocate for the Petitioner : MR A DASGUPTA

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

:: ORDER ::

13-03-2024

Heard Mr. A. Das Gupta learned Senior counsel assisted by Ms. B. Das learned counsel for the petitioners. Also heard Ms. S. Sharma learned Standing Counsel Health Department, Assam.

2. The present writ petition has been filed with the following prayers:-

“The petitioners, therefore, pray that Your Lordships may be pleased to admit this application, call for the records issue rules directing the respondent to show case as to why

(i) 119 posts of sweepers in the Directorate of Medical Education, Assam and different Medical Colleges and Hospitals as well as Dental Colleges, Nursing Colleges, Paramedical Institutes etc. of the State under the establishment of Directorate of Medical Education Assam; and

(ii) 145 posts of sweepers in different Health institutions in the State under the establishment of the Directorate of Health Services, Assam shall not be filled up by the petitioners along with similarly situated persons who participated in the joint process of recruitment and upon hearing the causes that may be shown your Lordships may be pleased to make the rule absolute by making an order directing the respondent no. 2 and 3 to consider the candidatures of the petitioners for the posts of sweepers and / or pass any further

order or orders as your Lordship may deem fit and proper.”

3. Ms. S. Sharma, learned Standing Counsel, Health Department has produced a communication dated 04.03.2024 written by the Director of Health Services, Assam which indicates that the written examination and skill test for filling up for the post of sweeper / cleaner was conducted combinedly by the four Directorates i.e. DHS, Assam, DHS(FW) Assam, DME, Assam and DHS(AYUSH), Assam during the year 2023 but the final results are not declared till date.

Another communication dated Nil / 2024 written by Director of Medical Education, Assam is also produced before this court which also indicates that the final results for the posts of sweeper / cleaner is not declared till date.

4. As the results have not been declared, Mr. Das. Gupta learned Senior counsel prays for withdrawal of the writ petition with liberty to file afresh, if cause of action arises in future.

Accordingly, the writ petition is dismissed on withdrawal with liberty, as prayed for.

The communications Nil/2024 and 04.03.2024 are placed on record.

JUDGE

Comparing Assistant