

GAHC010257252024



2024:GAU-AS:12903

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

Case No. : I.A.(Civil)/3959/2024

DR NAZMUL ISLAM SIDDIQUE AND 3 ORS
S/O BURZAK ALI
R/O BHADAIPARA
P.O. LENGTISINGA
PIN 781384
PS. ABHYAPURI
DISTRICT BONGAIGAON
ASSAM

2: INDRANEEL SHARMA
S/O DR. A. K SHARMA
R/O RUKMINIGAON
GUWAHATI-781002
PS. DISPUR
DISTRICT KAMRUP METRO
ASSAM

3: MAHMUDUL HASSAIN
S/O ANOWAR ALI SARKAR
R/O DOLAIGAON
P.O.
PS. AND DISTRICT BONGAIGAON
ASSAM

4: ABU SHARIF AKANDA
S/O ABDUL HOQUE AKANDA
R/O VILLAGE CHAMDHARA
P.O. DAGAON
PS. JURIA
PIN 782124
DISTRICT NAGAON
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY ITS PRINCIPAL SECRETARY
HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR
GUWAHATI- 781006.

2:THE NATIONAL BOARD OF EXAMINATIONS IN MEDICAL SCIENCES
NEW DELHI
DELHI- 110075.

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

4:THE PRINCIPAL
SILCHAR MEDICAL COLLEGE
SILCHAR
CACHAR
ASSAM.

5:DR. JANIFA KAIFEE AHMED
DAUGHTER OF KAMAL UDDIN AHMED
RESIDENT OF VILLAGE- RUPAHI
P.O.- RUPAHI
DISTRICT- NAGAON
ASSAM
PIN- 782125.

Advocate for : MR. M ALOM
Advocate for : SC
HEALTH appearing for THE STATE OF ASSAM AND 4 ORS.

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 18.12.2024

- 1.** Heard Mr. P.J. Saikia, learned senior counsel, assisted by Mr. P. Bordoloi, learned counsel for the applicants. Also heard Mr. D.P. Bora, learned standing counsel, Health Department, for the opposite party Nos. 1, 3 & 4 as well as Mr. K. Gogoi, learned CGC, for the opposite party No. 2 / National Board of Examinations in Medical Sciences and Mr. S.K. Talukdar, learned counsel appearing for the opposite party No. 5/writ petitioner.
- 2.** The applicants in the present application are MBBS Degree holders from the different medical colleges of Assam and have successfully cleared the NEET-PG-2024 Examination and they have applied under the State Health Quota Seats, Assam having all the eligibility criteria and have also completed 5 years or more than 5 years of continuous qualifying service as Doctors in the State Health Services on regular basis in terms of the Medical Colleges of Assam (Regulation of Admission in Post Graduate Degree and Diploma Courses) Amendment Rules, 2024 (the Amended Rules of 2024 in short).
- 3.** It is the case of the applicants that the opposite party No. 5, as writ petitioner in WP(C) No. 6434/2024, has challenged her rejection by the respondents during the document verification process of the NEET-PG-2024 counselling for the State Health Quota Seats on the ground that the opposite party No. 5/writ petitioner did not have the required 5 years or more than 5 years of continuous service in terms of the Amended Rules of 2024. The further case of the applicants is that as the opposite party No. 5/ writ petitioner does not have the qualification of 5 years or more than 5 years of continuous service

as required under the Amended Rules of 2024 for getting a seat under the State Health Quota, the rights of the applicants, who are inspiring for a seat under the State Health Quota, would be deprived. Under the circumstances, the applicants are praying for impleadment as party respondents in WP(C) No. 6434/2024.

4. The learned senior counsel for the applicants submits that all the 4 applicants have the requisite qualification of 5 years or more than 5 years of continuous service as doctors under the State Government and accordingly, they are eligible for consideration for a seat under the State Health Quota. It is also submitted that if the prayer of the opposite party No. 5/writ petitioner in WP(C) No. 6434/2024 is allowed, the rights of the applicants would be adversely affected and therefore, the applicants are necessary parties in the said writ petition and they should be given an opportunity of being heard before a decision is taken in the said writ petition.

5. Mr. S.K. Talukdar, learned counsel appearing for the opposite party No. 5/writ petitioner, submits that the Director of Medical Education, Assam has issued an Admission Notice dated 26.11.2024 appending the provisional select list of the candidates for NEET-PG-2024 for State Quota Seats, Assam for the first round of counselling. In the said list, the name of the opposite party No. 5/writ petitioner appears at Serial No. 401 and her revised State rank is indicated as 574 and she is the first candidate for the State Health Quota. The opposite party No. 5/writ petitioner is also allotted a seat in the Silchar Medical College, Silchar in respect of MD Radio Diagnosis. He submits that the name of applicant No. 2 appears at Serial No. 638 with Revised State Rank of 1310 and he has already been selected for the Assam Medical College, Dibrugarh in the subject of MS Ophthalmology. It is also submitted that the names of the applicants Nos. 1, 3 & 4 do not appear in the said provisional select list of

candidates, which was notified by the Admission Notice dated 26.11.2024. Further submission is made that between the applicant No. 2 and the opposite party No. 5/writ petitioner, there are 18 other candidates under the State Health Quota and therefore, no rights of the applicants would be affected if they are not made parties in the writ petition filed by the opposite party No. 5. Even if the writ petition is decided against the opposite party No. 5/writ petitioner, there are still 18 other candidates under the State Health Quota above the applicant No. 2 and these 18 candidates would be considered by the authorities while giving the seats under the State Health Quota.

6. I have considered the submissions made by the learned counsel for the parties.

7. The issue involved in the present application is whether the rights of the 4 applicants would be affected if they are not made parties in the writ petition filed by the opposite party No. 5/writ petition.

8. A perusal of the Admission Notice dated 26.11.2024, wherein the provisional select list of candidates, NEET-PG-2024 counselling for State Quota Seats, Assam has been appended, clearly indicates that the name of the opposite party No. 5/writ petitioner appears at Serial No. 401 with the Revised State Rank of 574. The name of the applicant No. 2 appears at Serial No. 638 with the Revised State Rank of 1310 and he is allotted a seat in the Assam Medical College, Dibrugarh for MS Ophthalmology. None of the other applicants, i.e. the applicant Nos. 1, 3 & 4, appears in the said provisional select list of candidates which is appended in the Admission Notice dated 26.11.2024.

9. A further perusal of the Admission Notice dated 26.11.2024 also indicates that there are 18 candidates between the opposite party No. 5/writ petitioner

and the applicant No. 2. In the event, the writ petition is decided against the opposite party No. 5/writ petitioner, the other 18 candidates would have to be considered by the respondents for allotting the seats under the State Health Quota.

10. In that view of the matter, I see no reason as to how the rights of the applicants would be affected if they are not made parties in the writ petition filed by the opposite party No. 5/writ petitioner. Accordingly, the I.A. stands rejected.

11. I.A. is disposed of.

JUDGE

Comparing Assistant