

GAHC010059762026



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

Case No. : WP(C)/1681/2026

UPASANA DEKA
D/O LATE SURJYANATH DEKA, R/O STAFF NURSE HOSTEL, GAUHATI
MEDICAL COLLEGE AND HOSPITAL , DIST. KAMRUP (M), ASSAM, POIN
781032

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM,
HEALTH AND FAMILY WELFARE A DEPTT., DISPUR, GUWAHATI 781006,
ASSAM.

2:THE DIRECTOR OF HEALTH SERVICES

HENGRABARI
GUWAHATI-781036
KAMRUP (M)
ASSAM.

3:THE JOINT DIRECTOR OF HEALTH SERVICES (NURSING)

HENGRABARI
GUWAHATI-781036
KAMRUP (M)
ASSAM.

4:THE SUPERINTENDENT

GAUHATI MEDICAL COLLEGE AND HOSPITAL
BHANGAGARH
GUWAHATI-781032.

5:THE ADDITIONAL SUPERINTENDENT

GAUHATI MEDICAL COLLEGE AND HOSPITAL
BHANGAGARH
GUWAHATI-781032

Advocate for the Petitioner : MR R SINGHA, MS S PATOWARY

Advocate for the Respondent : SC, HEALTH,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

23.03.2026

Heard Mr. R Singha, learned counsel for the petitioner. Mr. D.P Borah, learned Standing Counsel, Health.

The petitioner is presently serving as Assistant Matron and is posted at GMCH. She was transferred on promotion to the post of Matron at Jorhat Medical College & Hospital, Jorhat, vide order dated 25.06.2025. However, in view of the accident suffered by her mother in the year 2011, as a result of which she sustained a hip fracture and has since been completely bedridden, the petitioner is the only caregiver for her mother

It is submitted by the learned counsel for the petitioner that presently there is a vacant post in the same cadre at GMCH and the petitioner had submitted a representation earlier before the authorities to consider her case sympathetically and accommodate her in the post of the Matron in the GMCH considering that she is the only care giver to her ailing mother. It is submitted before the Court that in similar cases the health department has compassionately considered the cases of similarly situated persons.

Mr. D P Borah, learned Standing Counsel, Health submits that if the petitioner files a detailed representation before the Director of Health Service, the authorities will take an appropriate decision on the said matter.

Considering the submissions made, without expressing any opinion on the merits of the case and also without issuing any notice in the matter, this writ petition stands disposed of giving liberty to the petitioner to file a detailed representation before the respondent No. 2 namely the Director, Health Service, Hengrabari, Guwahati ventilating her grievances. If such a representation is filed within one week from today, the authorities will consider the same and pass appropriate orders within a further period of three weeks from the date of receipt of certified copy of this order.

The writ petition stands accordingly disposed of.

JUDGE

Comparing Assistant