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

Case No. : WP(C)/2391/2026

BISHAL JAISHI
S/O- NANDALAL JAISHI, R/O- GARAMPANI NEPALI BASTI, GARAMPANI,,
NORTH CACHAR HILLS, PIN- 788931, DIMA HASAO, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY SECRETARY GOVT. OF ASSAM, DEPARTMENT OF HOUSING AND URBAN AFFAIRS, DISPUR, GUWAHATI- 06

2:THE COMMISISONER AND SECRETARY TO THE GOVT. OF ASSAM
ME AND R DEPARTMENT
DISPUR
GUWAHATI-06

3:THE DIRECTOR OF HEALTH DEPARTMENT
KHANAPARA
GUWAHATI-22

4:DEPUTY SECRETARY TO THE GOVT. OF ASSAM
PERSONNEL DEPARTMENT
DISPUR
GUWAHATI-06

5:CHAIRMAN APSC
JAWAHARNAGAR
KHANAPARA
GUWAHATI-22

6:PRINCIPAL CUM CHIEF SUPERINTENDENT
GUWAHATI MEDICAL COLLEGE AND HOSPITAL
GUWAHATI- 78103

Advocate for the Petitioner : MR. S SHARMA, MR P PRAWAR,MR K J PATHAK,MS N BARUAH,MR P DAS,MR A SARMA,P BORO

Advocate for the Respondent : GA, ASSAM, SC, HEALTH,SC, APSC

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

05.11.2026

Heard Shri P. Das, learned counsel for the petitioner. Also heard Shri D. Upamanyu, learned Standing Counsel, Health Department; Ms. D. Das Barman, learned State Counsel and Shri P.P. Dutta, learned Standing Counsel, A.P.S.C.

Considering the issue involved and as agreed to by the learned counsel for the parties, the instant petition is taken up for disposal at the admission stage.

The facts in brief are that the petitioner claims to possess a Disability Certificate issued by the Joint Director of Health Services, Dima Hasao, Assam, wherein his disability has been assessed and confirmed at 98% permanent. The petitioner had accordingly applied PwD category wherein minimum benchmark was required 40%. The petitioner had cleared the APSC CEE 2024 and was selected for Assam Urban Administrative Service (EO: Jr. Grade-II) by securing Rank 4 in the open category PwD (deaf and Hard of Hearing). After such selection, the petitioner was called for medical examination at the Gauhati Medical College and Hospital (GMCH) on 25.02.2026 and the necessary BERA test was done to verify the disability status. The petitioner was, however, informed that the appointment letter cannot be issued as the Medical Board had assessed his disability at 18.92% which is below the benchmark. However, apart from a telephone call, no communication in the form of document was issued to the petitioner. The petitioner had thereafter independently conducted a BERA test whereafter he had submitted application for re-examination of his percentage of

disability. The petitioner was accordingly again called for reassessment at the GMCH on 13.03.2026 and this time, the disability was assessed at 27.25%.

It is the case of the petitioner that while such assessment/ evaluation was done at the GMCH, there has been gross inconsistency and therefore, the petitioner had visited the NEIGRIHMS, Shillong, wherein he had undergone an evaluation. He had also visited the AIIMS on 26.03.2026 and had undergone the BERA test wherein his disability was confirmed. In both the evaluation, the petitioner claims that his disability was assessed to be above 40%.

Shri Das, learned counsel for the petitioner has submitted that any direction for further reassessment in the GMCH may not be in the right direction as inconsistencies were found in the two evaluations made in the said GMCH. He has, however, submitted that such reassessment can be done in any other Government hospital wherein such facility is available.

In the course of hearing, this Court had passed order to explore as to whether a facility for reassessment of the disability of the petitioner is available at Diphu Medical College which is proximate to the residence of the petitioner.

Shri Upamanyu, learned Standing Counsel, Health Department has submitted that such facility is not available in the Diphu Medical College. However, he has submitted that instructions have been received confirming that such facility is available in the Jorhat Medical College Hospital.

In view of the aforesaid position, this Court is of the view that interest of justice would be met if a reevaluation/ reassessment of the disability factor of the petitioner is permitted to be done in the Jorhat Medical College and Hospital.

Accordingly, the respondent authorities, more particularly the Director of Medical Education are directed to take necessary steps through the Principal-cum-Chief Superintendant for constitution of a Medical Board and in such event, the petitioner is to be intimated over his Tel. Ph. No. 8761954797 or via his email, viz,

vishal4257@gmail.com regarding fixation of a date for his appearance before the Medical Board for evaluation of his disability percentage whereafter the report be furnished to the concerned respondent for taking further decision in this regard in accordance with law.

The writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant