

GAHC010156922024



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

Case No. : WA/24/2026

ETTEHAD ALAM AND 17 ORS
S/O AMIRUL HUSSAIN, R/O 174, AGIA ROAD, OLD CIVIL HOSPITAL,
NARAPARA, BHATIAPARA, GOALPARA, GOALPARA, BALIJAN, ASSAM,
PIN-783101, DIST- GOALPARA.

2: SADHANA DAS
D/O- LT. RAMESH DAS
R/O- CIVIL HOSPITAL
BHALUKDUBI
GOALPARA
BHALUKDUBI
ASSAM
PIN-783101
DIST-GOALPARA

3: SANTOSH SARKAR
S/O- SUNIL CH SARKAR
R/O- 54
JHARPARA PT II
BONGAIGAON
ASSAM
PIN- 783384. DIST-BONGAIGAON

4: ABDUL HAI
C/O-ABDUL KHALEK
R/O- KATILATARI
AMBARI
GOALPARA
ASSAM
PIN-783129
DIST-GOALPARA

5: BINBAHADUR PRADHAN
C/O-LALBAHADUR PRADHAN

R/O- BAPUJINAGAR
BHALUKDUBI
GOALPARA
GOALPARA
ASSAM
PIN-783101
DIST-GOALPARA

6: ASIM CHOUDHURY
C/O- GOBINDA CHOUDHARY
R/O-VILL- JAIL ROAD
NEAR BARPETA
BARPETA
BARPETA
ASSAM
PIN-781301
DIST- BARPETA

7: NILIM PATOWARY
S/O- AKAN PATOWARY
R/O- NEAR BARPETA
JAIL TOWN WARD NO-20
BARPETA
BARPETA
ASSAM
PIN-781301
DIST- BARPETA

8: ALTAF UDDIN AHMED
C/O-DERAJUDDIN AHMED
R/O- NEAR BAKURPARA
BHATIPARA
GOALPARA
ASSAM
PIN-783101
DIST-GOALPARA

9: NAKUL DAS
C/O-KHOKARAM DAS
R/O- NIJSATRA PUR
GOALPARA
ASSAM
PIN-783101
DIST-GOALPARA

10: SIDDHARTHA SANKAR DAS
C/O-KRISHNA RANJAN DAS
R/O- 2 NO. COLONY

BHATIPARA
GOALPARA
ASSAM
PIN-783101
DIST-GOALPARA

11: AMIT RAY
C/O-PULUKA NANDA RAY
R/O-VILL. BAPUJINAGAR
BALADMARI CHAR PT-I
GOALPARA
ASSAM
PIN-783121
DIST-GOALPARA

12: UJJAL KANTI SARKAR
C/O-CHITRA RANJAN SARKAR
R/O- GOALPARA TOWN WARD NO.1
PS-GOALPARA
BHATIPARA
GOALPARA
ASSAM
PIN-783101
DIST-GOALPARA

13: PINTU GHOSH
C/O- PRATAP GHOSH
R/O- PACHAGARH
DIST. KOKRAJHAR
ASSAM
PIN-783345.DIST-KOKRAJHAR

14: TOFINUR AHMED
C/O-SHAHDULLAH
R/O- GOALPARA WARD NO.11
BHATIPARA
GOALPARA
ASSAM
PIN-783101
DIST-GOALPARA

15: RIJU AHMED
C/O-ASADULLAH
R/O-H.NO. 341
K P ROAD
NEAR M K N HIGH SCHOOL
BHATIPARA
GOALPARA

ASSAM
PIN-783101. DIST-GOALPARA

16: AZIZUL HOQUE
C/O-MERAJ ALI
R/O- GOALPARA WARD NO.10
BHATIPARA
GOALPARA
ASSAM
PIN-783101. DIST-GOALPARA

17: ABU AKKAS
S/O-SERAJ UDDIN SHEIKH
R/O- VILL. GOSSAIDUBI HINDUPARA
PO GOURNAGAR
GOALPARA
ASSAM
PIN-783132. DIST-GOALPARA

18: GAUTAM GHOSH
S/O- LT. KAMINI KUMAR GHOSH
R/O- 288 GOALTULI ROAD WARD NO. 6
NEAR HOLY YOUTH CLUB
BHATIPARA
GOALPARA
GOALPARA
ASSAM
PIN-783101.
DIST-GOALPARA

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
HEALTH AND FAMILY WELFARE(A) DEPARTMENT, DISPUR, GUWAHATI,
ASSAM-781006.

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM

HEALTH AND FAMILY WELFARE(A) DEPARTMENT
GUWAHATI
ASSAM- 781006

3:THE DIRECTOR OF HEALTH SERVICES
HENGRABARI

GUWAHATI
ASSAM- 781006

4:THE JOINT DIRECTOR
HEALTH SERVICES
GOALPARA
GUWAHATI-781036
KAMRUP
ASSAM

5:THE SCREENING COMMITTEE
REPRESENTED BY THE CHAIRMAN (ADDITIONAL DIRECTOR OF HEALTH
SERVICES)
HANGARBARI
GUWAHATI
ASSAM-78103

Advocate for the Petitioner : MR. R MAZUMDAR, MRS P RAI,MS T WAPANGLA,MR. R
DEKA,MR. D GOGOI,S BORPUJARI

Advocate for the Respondent : SC, HEALTH,

BEFORE

HONOURABLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

22-04-2026

(A. D. Choudhury, J)

1. We have heard Mr. D. Gogoi, learned counsel appearing for the appellants and Mr. B. Gogoi, learned Additional Advocate General, Assam, representing the Health and Family Welfare Department, Assam.
2. The present Intra-court Appeal challenges the common judgment & order dated 29.09.2023, passed in WP(C) No. 8220/2019 and in the other connected writ petitions.
3. The appellants were appointed as Grade-IV employees in pursuance of the advertisement dated 03.01.2005 against substantive

vacancies under the Joint Director, Health Services, Goalpara. They continued to serve until their services were terminated in 2019. All these appellants were terminated from their services, and the termination was challenged before the learned Single Judge.

4. The learned Single Judge upheld the termination under the impugned judgment.

5. Similarly, aggrieved writ petitioners whose services were terminated challenge the termination in WP(C) No. 8220/2019 and other connected writ petitions, and, having such challenge negated, approached this Court by preferring WA No. 428/2023 and other connected appeals. Such appeals were allowed by this Court under its common judgment and order dated 30.01.2026.

6. Mr. D. Gogoi, learned counsel for the appellants, and Mr. B. Gogoi, learned Additional Advocate General, Assam, representing the respondents, submit that the present appeal is squarely covered by the aforenoted common judgment and order dated 30.01.2026 and accordingly, the instant appeal may also be disposed of in terms of the aforesaid common judgment and order dated 30.01.2026.

7. We have heard the learned Counsel for the parties.

8. Under the aforesaid common judgment and order dated 30.01.2026, passed in WA No. 428/2023 and other connected appeals, this Court at paragraph Nos. 92, 93, 94 & 95 made the following determination and issued the following directions :

“92. For the aforesaid reasons, we are unable to sustain the action of the State Government and the judgment of the learned Single Judge.

93. The appeals are accordingly allowed. The

common judgment and order dated 29.09.2023, passed by the learned Single Judge, is interfered with. The termination orders issued against the appellants are quashed.

94. The appellants shall be reinstated in service with continuity of service for all notional purposes, including seniority and pensionary benefits as per the Rules. However, balancing the equities and bearing in mind the public exchequer, the appellants shall not be entitled to back wages for the interregnum period.

95. The respondent shall give effect to this judgment within a period of **eight weeks** from the date of receipt of a certified copy of this order. There shall be no order as to cost."

9. We have perused the aforesaid common judgment and order dated 30.01.2026 and also the facts pleaded in the present case.

10. Having considered the above, this Court is of the opinion that the direction issued in WA No. 428/2023 and other connected appeals under the common judgment and order dated 30.01.2026 shall cover the present appeal.

11. Accordingly, the instant appeal stands disposed of in terms of the direction issued in WA No. 428/2023 and other connected appeals, as quoted hereinabove.

JUDGE

CHIEF JUSTICE

Comparing Assistant