GAHC010206882026

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

**Case No. : WP(C)/5262/2026**

FAKRUL ISLAM KHANDKAR
SON OF LATE FAZLUR RAHMAN, R/O- HOUSE NO. 100, ANUPAM NAGAR,
P.O. P.S- HATIGAON, DIST- KAMRUP M, ASSAM.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, PWD (BLDG) DEPARTMENT, DISPUR, GHY-6

2:THE DIRECTOR
HEALTH AND FAMILY WELFARE
GOVERNMENT OF ASSAM. HENGRABARI
GUWAHATI-36.

3:THE DIRECTOR OF MEDICAL EDUCATION
ASSAM
SIXMILE
GUWAHATI-22.

4:THE JOINT SECRETARY TO THE GOVT OF ASSAM
HEALTH AND FAMILY WELFARE B DEPARTMENT
DISPUR
GUWAHATI-06.

5:THE SUPERINTENDING ENGINEER PWD
ASSAM
CHANDMARI
GUWAHATI-03.

6:THE CHIEF ENGINEER PWD
BLDG

ASSAM
GUWAHATI-03

7:THE EXECUTIVE ENGINEER
P.W.D
GUWAHATI
BLDG. DIVISION NO. II
DISPUR
GHY-06

8:THE EXECUTIVE ENGINEER
PWD
MEDICAL COLLAGE AND HOSPITAL
CONSTRUCTION DIVISION
FANCY BAZAR
KAMRUP M
GUWAHATI-01.

9:THE SECRETARY OF FINANCE DEPARTMENT
DISPUR
GHY- 0

Advocate for the petitioner(s): Mr. A. Ali, Advocate

Advocate for the respondent(s): Mr. M. Bhuyan, SC, PWD for
respondents No. 1, 5, 6, 7, 8 and 9;
Ms. D. Bora, SC, Health appearing
for respondents No. 2, 3 and 4

**B E F O R E**

**HON'BLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**05.10.2026**

This is the third round of litigation in respect of a claim of

Rs.2,61,601/- for the works claimed to be completed by the petitioner, pursuant to a formal work order issued on 30.6.2014.

**2**. The record reveals that the petitioner had earlier filed a writ petition being WP(C) No. 6300/2015. The learned counsel appearing on behalf of the petitioner submitted that he would like to withdraw the petition and submit a representation before the Director of Medical Education.

**3.** Taking into account the above, this Court closed the writ petition upon withdrawal and granted liberty to the petitioner to submit a representation to the Director of Medical Education, Assam, for releasing the amount of Rs.2,61,601/-.

**4.** Subsequent thereto, on 17.11.2025, the petitioner submitted a representation to the Director of Medical Education.

**5.** Another petition was filed by the petitioner being WP(C) No. 4491/2026, wherein also, the learned counsel appearing on behalf of the petitioner submitted that he may be given the liberty to withdraw the writ petition with liberty to file appropriate application. The learned Coordinate Bench vide order dated 21.08.2026 permitted withdrawal with liberty. It is under such circumstances, the present writ petition was filed.

**6.** When the matter was taken up by this Court on 28.9.2026, this Court by taking into account that a representation was submitted on

17.11.2025, requested the learned Standing counsel of the Health and Family Welfare Department to apprise to this Court as to what steps have been taken for disposal of the representation dated 17.11.2025. It is under such said circumstances, the present writ petition is listed before this Court today.

**7.** Ms. D. Bora, learned Standing Counsel Health and Family Welfare Department had placed an instruction issued by the Director of Medical Education, Assam. To the said instruction, the stand of the Principal-cum-Chief Superintendent, Gauhati Medical College & Hospital, was enclosed, wherein, it is mentioned that no bill, photograph, etc. in connection with the work during the year 2013-14 are available in his Office. However, it was mentioned that a few documents in connection with the said work, i.e., the work order, Administrative approval, utilization certificate, certificate of physical progress report and completion certificate have been collected.

**8.** Considering above, that the instructions categorically mentioned that the work orders, Administrative Approval, utilization certificate, certificate of physical progress report and completion certificate are available with the Principal of the Gauhati Medical College and Hospital, this Court disposes of the instant writ petition, thereby directing the Director of Medical Education to consider the representation dated 17/11/2025, on the basis of the materials available, and also if required also seek from the petitioner necessary

documents in that regard.

**9.** The said representation thereupon be decided and disposed of at the earliest. It is also observed that in the circumstances, it is found that the petitioner is entitled to any amount, the same be paid. The entire exercise be completed within 6 (six) months from the date of a certified copy of the order is served upon the Director, Medical Education.

**10**. This Court, for the sake of clarify observes that the above consideration shall be strictly carried out as per the Government codal formalities and without being influenced by the observations made in the present order, however, within the time stipulated herein above.

The writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**