GAHC010221332026

2026:GAU-AS:15318

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

Case No. : WP(C)/5615/2026

JOYA BORA AND ANR
W/O LATE LALIT KUMAR BORA, R/O H.NO. 11, BISHNU RABHA PATH, LEFT 4TH BYELANE, SOUTH SARANIA, ULUBARI, GUWAHATI, KAMRUP M, ASSAM 781007

2: IVY LATA BORA
D/O LATE LALIT KUMAR BORA R/O H.NO 11
BISHNU RABHA PATH
LEFT 4TH BYELANE
SOUTH SARANIA
ULUBARI
GUWAHATI
KAMRUPM
ASSAM - 781007 PH. 881107410

VERSUS

THE CHAIRPERSON NATIONAL COMMISSION FOR BACKWARD CLASSES AN D10 ORS
NATIONAL COMMISSION FOR BACKWARD CLASSES TRIKOOT-1, BIKAJI CAMA PLACE, NEW DELHI - 110066.

2:PRINCIPAL SECRETARY DEPARTMENT OF MEDICAL EDUCATION
AND RESEARCH GOVERNMENT OF ASSAM D BLOCK
ASSAM SECRETARIAT DISPUR
GUWAHATI 781006

3:DIRECTOR GUWAHATI MEDICAL COLLEGE
AND HOSPITAL GMCH
NARAKASUR HILLTOP

4:THE PRINCIPAL SUPERINTENDENT GAUHATI COLLEGE HOSPITAL

CUM CHIEF MEDICAL 7TH FLOOR
MOTHER CHILD GUWAHATI HOSPITAL
GMCH
BHANGAGARH
GUWAHATI 781032

5:THE PRINCIPAL NATIONAL INSTITUTE OF TECHNOLOGY NIT
SILCHAR
ASSAM

6:THE DEPUTY COMMISSIONER
KAMRUP METROPOLITAN DISTRICT
ASSAM

7:THE SUB-DIVISIONAL WELFARE OFFICER
GUWAHATI AND SUB-DIVISIONAL OTHER BACKWARD CLASSES DEVELOPMENT BOARD
KAMRUP
METRO
ASSAM

8:THE CHAIRPERSON ASSAM STATE TRANSPORT CORPORATION

RUPNAGAR
KAMRUP
METRO
ASSAM

9:THE DIRECTOR DIRECTORATE OF HANDLOOM AND TEXTILE

GOPINATH BORDOLOI ROAD
AMBARI
ASSAM 781001

10:ARINDITA BORA
D/O LATE UTPAL KR. BORA H.NO. 11
BISHNU RABHA PATH
LAFT 4TH BYELANE
SOUTH SARANIA
ULUBARI
GUWAHATI
KAMRUPM
ASSAM -781007 11. NEERAJ BORA S/O LATE UTPAL KR. BORA H.NO.

11:BISHNU RABHA

PATH
LAFT 4TH BYELANE

SOUTH SARANIA
ULUBARI
GUWAHATI
KAMRUPM
ASSAM -78100

Advocate for the Petitioner : MS. M BORAH, MS. S KAKOTI,MR N P DAS

Advocate for the Respondent : GA, ASSAM, MR. S P CHOUDHURY,SC, NIT,MR R M DAS,MR R DHAR,SC, GMCH,SC, A S T C

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 12.10.2026

1. Heard Mrs. M Borah, learned counsel for the petitioners and Ms. M Barman, learned State counsel, appearing on behalf of the respondents.

2. The petitioners are the grandmother and paternal aunt of respondent Nos. 10 & 11.

3. The respondent No.10 was admitted to Gauhati Medical College and Hospital (GMCH), after qualifying in the NEET examination for the MBBS course for the academic session 2021–2022. She has completed the course and is presently undergoing the compulsory one-year internship. The respondent No. 11 has completed his Engineering course from NIT Silchar. Both were admitted to their respective courses under the OBC quota.

4. The father of respondent Nos.10 & 11, who was the son of petitioner No.1, expired on 27.10.2024.

5. The petitioners have approached this Court alleging that their family does not belong to the OBC category and, therefore, the respondent Nos.10 & 11, could not have availed the benefit of reservation under the said category. They seek a direction for verification of the genealogy, family, historical, revenue, and other relevant records of respondent Nos. 10 & 11, and for consequential action, in the event, certificates are found to have been obtained contrary to the applicable rules.

6. The materials on record indicate that the petitioner No.2 had initially approached the National Commission for Backward Classes (NCBC), by way of an email raising the same allegation. Pursuant thereto, the NCBC issued a communication dated 22.07.2026 to the Government of Assam, in the Health and Medical Education Department, including Gauhati Medical College and Hospital, requesting them to conduct an enquiry and take appropriate action, in accordance with law.

7. Pursuant to the aforesaid communication, the state authorities conducted an enquiry and verified the OBC documents of the respondents. Upon such verification, the documents were found to be genuine and to have been duly issued by the competent authority.

8. The principal allegation of the petitioners is that, their family does not belong to the OBC category and therefore, the respondent nos. 10 & 11, could not have been issued OBC certificates. The fact that the petitioners may not themselves possess an OBC certificate, by itself, does not establish that respondent the

Nos.10 & 11 are not entitled to such status. The claims of the private respondents have to be examined with reference to the applicable rules and the relevant records by the competent authority.

9. In the present case, the certificates were issued by the competent authority and, upon a complaint being made, their genuineness was subsequently examined by the state authorities. The enquiry conducted pursuant to the communication issued by the NCBC did not disclose any infirmity in the certificates. The petitioners have not pointed out any specific defect either in the issuance of the certificates or in the subsequent verification undertaken by the state authorities. In the absence of any material indicating illegality, arbitrariness, or non-compliance with the applicable rules, this Court finds no justification to direct a further enquiry into the matter.

10. The power of judicial review under Article 226 of the Constitution is undoubtedly available to examine the legality of an administrative decision. However, such power cannot be invoked merely to secure a fresh enquiry into an allegation which has already been examined by the competent authorities, particularly when no materials have been placed before this Court, to demonstrate any legal infirmity in the exercise undertaken by them.

11. The petitioners have not been able to make out any ground warranting interference by this Court in exercise of its power of judicial review.

12. The petitioners are the grandmother and paternal aunt of respondent Nos.10 & 11. It is not necessary for this Court to enter

into the personal circumstances or possible motives underlying the allegations. The matter can be decided on the basis of the materials on record, which indicate that the complaint has already been examined and the certificates have been found to be genuine. A further enquiry cannot be directed merely on the basis of an unsupported assertion in absence of any material to discredit the verification already undertaken by the competent authorities.

13. In view of the aforesaid facts and circumstances, this Court finds no merit in this present writ petition.

14. The writ petition is accordingly dismissed.

15. There shall be no order as to costs.

JUDGE

Comparing Assistant