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

Case No. : WP(C)/149/2025

URMILA SUBBA
D/O- SRI KARAN KUMAR SUBBA, R/O- KHARUPETIA, TILAPOOTY, P.S.
KHARUPETIA, DIST. DARRANG, ASSAM, PIN- 784115.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF ASSAM,
ASSAM SACHIVALAYA, DISPUR, ASSAM-781006.

2:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GOVERNMENT OF ASSAM
A BLOCK
4TH FLOOR
ASSAM SECRETARIAT (CIVIL)
DISPUR
GUWAHATI
ASSAM-781006.

3:THE DIRECTOR

DEPARTMENT OF HEALTH AND FAMILY WELFARE
GOVERNMENT OF ASSAM
HEALTH COMPLEX
LICHUBAGAN
HENGRABARI
GUWAHATI-781006.

4:THE SUPERINTENDENT
GAUHATI MEDICAL COLLEGE AND HOSPITAL
NARAKASUR HILLTOP

BHANGAGARH
GUWAHATI
ASSAM-781032.

5:THE DISTRICT COMMISSIONER
DARRANG
OFFICE OF THE DISTRICT COMMISSIONER DARRANG
NH-15
MANGALDOI
DARRANG
DIST. DARRANG
ASSAM-784125.

6:THE UNION OF INDIA
REPRESENTED BY THE MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
NDCC.II BUILDING
JAI SINGH ROAD
NEW DELHI-11000

Advocate for the Petitioner : MS. D GHOSH, MS N DEKA,MS H BETALA,MR I CHAKMA,MR. S. K. CHAKMA,MR A.K. HAJONG

Advocate for the Respondent : GA, ASSAM, MR. D.J. DAS, SC, C.G.C.,SC, HEALTH

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

24.03.2025

1. Referring to this Court's earlier order dated 10.03.2025, Ms. D. Ghosh, leaned counsel for the petitioner submits that the additional payment of Rs. 1,00,000/- has been paid by the PMO.
2. A communication from the Under Secretary to the Govt. of India, PMO, addressed to the District Commissioner, Darrang, Government of Assam is produced by Ms. Ghosh, learned counsel for the petitioner, which is kept on record.

3. Admittedly, the petitioner is a victim of acid attack. She claims that she requires certain plastic surgery and in terms of extent norms, she is entitled for such advance treatment in hospital of her choice. In this regard, referring to a decision of the Division Bench in **XXX –Vs- State of Assam & Anr. [WP(C)/749/2014]**, learned counsel for the petitioner submits that a Board may be directed to be constituted so as to assess the requirement of such advance treatment of surgery and also whether such advance treatment can be carried out in the Gauhati Medical College and Hospital, Guwahati.
4. Considering the nature of grievance as well as the determination made by the Division Bench in **XXX –Vs- State of Assam & Anr. [WP(C)/749/2014]**, as well as the law laid down by the Hon'ble Apex Court in **Laxmi –Vs- Union of India** reported in **2014 4 SCC 427** including the Assam Victim Compensation Scheme, 2012 enacted by the State of Assam in exercise of powers under Section 357-A of the Cr.P.C., 1973, this Court is of the opinion that ends of justice should be met if a medical board is constituted and the petitioner is examined and a recommendation is made as regards requirement of her advance treatment including the plastic surgery.
5. Accordingly, a Medical Board be constituted by the respondent No. 4 i.e. the Superintendent, Gauhati Medical College & Hospital, Guwahati for this purpose so as to verify whether the petitioner requires advance treatment for healing and removal of scar out of the acid attack and whether if such advance treatment is required, same is available in Gauhati Medical College & Hospital, Guwahati. The Board also shall give a suggestion as regards cost involved in such treatment in Gauhati Medical College & Hospital, Guwahati as well as in private hospital.
6. The petitioner be intimated as regards constitution of such Medical Board by the Superintendent, Gauhati Medical College & Hospital, Guwahati and also through Mr. D. P. Borah, learned Standing Counsel for the Health and Family

Welfare Department, so that he can intimate the same to Ms. Ghosh, learned counsel for the petitioner as regards the date of sitting of Medical Board.

7. List this matter again on 30.04.2025.

JUDGE

Comparing Assistant