

GAHC010005892026



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

Case No. : WP(C)/219/2026

MD. CHULEIMAN HUSSAIN
S/O- MD. PAIR ALI, R/O- VILL.- BANGAON, P.O. BANGAON, P.S. BELSOR,
DIST. NALBARI, ASSAM, PIN- 781303.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
HEALTH AND FAMILY WELFARE (B) DEPARTMENT, DISPUR, GUWAHATI-
06.

2:THE MISSION DIRECTOR
NATIONAL HEALTH MISSION
ASSAM
SAIKIA COMMERCIAL COMPLEX
G S ROAD
GHY- 05.

3:THE JOINT DIRECTOR OF HEALTH SERVICE CUM MEMBER SECRETARY
DISTRICT HEALTH SOCIETY
DISTRICT- NALBARI
ASSAM

4:BIMAL KALITA
S/O- LATE BHADRA KALITA
R/O- VILL.- JAPARKUCHI
P.O. TERECHIA
P.S. AND DIST. NALBARI
ASSAM
PIN- 783001

For the petitioner (s) : Ms. M. K. Brown, Advocate

For the respondent (s) : Mr. B. Gogoi, AAG

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

09.01.2026

Issue notice making it returnable on 21.01.2026.

2. Mr. B. Gogoi, the learned Additional Advocate General accepts notice on behalf of the respondent Nos.1, 2 & 3. Extra copies of the writ petition be served upon him during the course of the day.
3. For the time being, this Court is not inclined to issue notice upon the respondent No.4.
4. The petitioner herein is aggrieved by the order dated 14.11.2025 whereby the petitioner has been transferred from BPHC-Chamata to BPHC-Mukalmua, and the respondent No.4 has been transferred from BPHC-Mukalmua to BPHC-Chamata.
5. The case of the petitioner herein is that the said transfer order is contrary to an earlier order passed by the Mission Director, National Health Mission dated 30.08.2022 wherein it has been mentioned that the Joint Director of Health Services is not permitted to issue transfer order.

6. The learned counsel appearing on behalf of the petitioner submitted that on 03.12.2025, the petitioner had submitted a representation to the Mission Director, NHM. However, the case of the petitioner has not yet been redressed.

7. This Court taking into account that the transfer order was issued as far back on 14.11.2025, is not inclined to pass any interim direction without first giving the Respondent Authorities an opportunity to apprise this Court the reason as to whether the transfer order is in violation to the order dated 30.08.2022.

8. Taking into account the above, Mr. B. Gogoi, the learned Additional Advocate General shall apprise this Court as to why the transfer order dated 14.11.2025 should not be interfered with.

9. List accordingly.

JUDGE

Comparing Assistant