

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, Addl. AG, Assam

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 04.02.2026

Heard Ms. M. K. Brown, the learned counsel appearing on behalf of the Petitioner and Mr. B. Gogoi, the learned Additional Advocate General who is also the Standing counsel of the NHM appearing on behalf of the Official Respondents.

2. The Petitioner herein has challenged the transfer order dated 14.11.2025 issued by the Joint Director of Health Service cum Member Secretary, District Health Society, Nalbari on the ground that the same is contrary to the order of the Mission Director, National Health Mission, Assam dated 30.08.2022.

3. Taking into account that the writ petition was filed on 09.01.2026 i.e. after a lapse of more than 1½ months, this Court did not pass any interim order when the matter was taken up on 09.01.2026. Be that as it may, this Court sought for instructions as to whether the impugned order of transfer dated 14.11.2025 was in violation to the order dated 30.08.2022 issued by the Mission Director, National Health Mission, Assam. No instructions in that regard were provided by the Official Respondents. However on 02.02.2026, when the matter was taken up, this Court was informed that on the basis of an instruction dated

22.01.2026 issued by the Joint Director of Health Service cum Member Secretary, District Health Society, Nalbari that the transfer of the Petitioner was done as a section of people from the social leadership has pressurized for his deployment. It was also mentioned that the same had to be done as per the direction received from the Minister. The instruction so placed as well as the non-forthcoming of the instructions sought for as to whether the impugned order of transfer is in violation to the order dated 30.08.2022 prima facie appears that the impugned order of transfer is done at the behest of certain directions passed by the Minister and the concerned officials being pressurized. It also prima facie appears that on account of not providing the instructions as regards the violation to the order dated 30.08.2022, the impugned order is contrary to the very directions passed by the Mission Director on 30.08.2022.

4. Be that as it may, when the matter was listed before this Court on 02.02.2026, it was informed to this Court that the Petitioner was on leave. Under such circumstances, this Court enquired as to whether the Respondent No.4 has in the meantime joined.

5. Mr. B. Gogoi, the learned Additional Advocate General appearing on behalf of the Official Respondents submitted that the Respondent No.4 has already joined by taking unilateral charge. It is however not known as to whether such unilateral charge was permitted or not. Be that as it may, this Court has not issued any notice upon the Respondent No.4 and under such circumstances, without issuing any notice, any order if passed setting aside the transfer order would not be in the interest of justice.

6. List this matter again on 16.02.2026 at 2 PM for further consideration.

7. The Petitioner is directed to take steps upon the Respondent No.4 by way of dasti routed through the Registry of this Court and file an affidavit of service on or before the next date.
8. In addition to that, an extra copy of the writ petition shall also be provided to Mr. B. Gogoi who appears on behalf of the Respondent No.3 and through him, the copy of the notice be also affected upon the Respondent No.4.
9. List accordingly for further hearing.

JUDGE

Comparing Assistant