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

Case No. : WP(C)/341/2026

RAJ MALAKAR
S/O LATE PRAFULLA MALAKAR, VILL. - KHUDRADADHI, P.O. - GERUAH,
P.S. - HAJO, DIST. - KAMRUP, ASSAM, PIN - 781102.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GUWAHATI 781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE DIRECTOR OF MEDICAL EDUCATION (DME)
ASSAM
SIX MILE
KHANAPARA
GUWAHATI-22..

4:THE SECRETARY
MEDICAL AND HEALTH RECRUITMENT BOARD
OFFICE OF THE DIRECTOR OF MEDICAL EDUCATION
SIX MILE
KHANAPARA
GUWAHATI-22.

5:THE PUBLIC INFORMATION OFFICER (PIO)
OFFICE OF THE DIRECTORATE OF MEDICAL EDUCATION
ASSAM
KHANAPARA

GUWAHATI-22.

6:THE APPELLATE AUTHORITY OF RTI
OFFICE OF THE DIRECTORATE OF MEDICAL EDUCATION
ASSAM
KHANAPARA
GUWAHATI-22

Advocate for the Petitioner : MS. S B CHOUDHURY,

Advocate for the Respondent : GA, ASSAM, SC, HEALTH

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

06.04.2026

Heard Ms. SB Choudhury, learned counsel for the petitioner. Also heard Mr. DP Borah, learned Standing Counsel, Health Department.

2. The claim of the writ petitioner before this Court is that although the petitioner was short listed on the basis of the mark secured in the written examination and was directed to appear for the skill test and documents verification for the post of Radio Therapy Technician, however, the petitioner was not selected. It is the claim of the petitioner that he satisfies all the norms and qualification and therefore, his selection could not have been overlooked by the respondents authority.

3. Pursuant to the issuance of notice, the respondent no.3 has filed an affidavit where at Paragraph-6 following averments have been made:

“6. That as regards the statements made in Paragraphs 5, 7 & 8 of the petition, your deponent states that on review of documents of the petitioner, it has been found that he has possessed the required minimum qualification as per the advertisement and is therefore eligible for the post of Radio Therapy Technician.”

4. From the perusal of the affidavit it is seen that the respondents have reverified the claims made by the petitioner and has found that he possesses the required qualification as per the advertisement and was therefore eligible for the post of Radio Therapy Technician.

5. In view of such categorical stand of the respondents it is clear that the claim of the writ petitioner in the present proceedings is well founded. Accordingly, the writ petition stands allowed, with a direction to the respondent no.3, namely, the Director of Medical Education (DME) to issue necessary order for appointment of the writ petitioner to the post of Radio Therapy Technician as pursuant to the review undertaken by the Department, the petitioner has been found to be eligible as he satisfies the required minimum qualification as per the advertisement dated 06.12.2024. Let the order of appointment be issued immediately within a period of 4 (four) weeks from the date of receipt of a certified copy of this order.

6. The writ petition stands disposed of in terms of the above.

7. Interim order, if any, stands merged.

8. Pending Interlocutory Application, if any, stands disposed of.

JUDGE

Comparing Assistant