

GAHC010014032025



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

Case No. : WP(C)/461/2025

JIARUL ISLAM
S/O- MARFAT ALI, R/O- VILLAGE TETLIRTAL, P.O.- BARPALLY, P.S.
BARPETA, DIST.- BARPETA, ASSAM, PIN- 781314

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM,
TRANSFORMATION AND DEVELOPMENT DEPT, GUWAHATI-6

2:THE DEPUTY SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA
GUWAHATI-22

3:THE PRINCIPAL CONTROLLER OF EXAMINATIONS
ASSAM PUBLIC SERVICE COMMISSION
JAWAHARNAGAR
KHANAPARA
GUWAHATI-22

4:THE ADDITIONAL SECRETARY
TO THE GOVT OF ASSAM
TRANSFORMATION AND DEVELOPMENT DEPT
GUWAHATI-6
ASSAM

5:THE PRINCIPAL SECRETARY
HEALTH AND FAMILY WELFARE DEPARTMENT
GOVERNMENT OF ASSAM
JANATA BHAWAN
DISPUR

GUWAHATI-6
ASSAM

6:THE JOINT SECRETARY OF HEALTH SERVICES
BARPETA
ASSAM
PIN- 781301

7:THE PRINCIPAL CUM CHIEF SUPERINTENDENT
FAKHRUDDIN ALI AHMED MEDICAL COLLEGE AND HOSPITAL
JOTIGAON
BARPETA
ASSAM
PIN- 781314

8:DISABILITY REASSESSMENT COMMITTEE
FAKHRUDDIN ALI AHMED MEDICAL COLLEGE AND HOSPITAL
REPRESENTED BY ITS CHAIRMAN CUM MEDICAL SUPERINTENDENT
FAKHRUDDIN ALI AHMED MEDICAL COLLEGE AND HOSPITAL
JOTIGAON
BARPETA
ASSAM
PIN- 781314

9:DISTRICT MEDICAL BOARD
BARPETA
REPRESENTED BY THE JOINT DIRECTOR OF HEALTH SERVICES
BARPETA
ASSAM
PIN- 78130

Advocate for the Petitioner : MR S BORTHAKUR, MR SAURADEEP DEY,MR. B HUSSAIN

Advocate for the Respondent : GA, ASSAM, SC, HEALTH AND F W,SC, APSC

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 14-02-2025

Heard Mr. S Borthakur, learned counsel for the petitioner. Also heard Mr. B Gogoi, learned Standing Counsel, Health Department, Mr. TC Chutia,

learned Additional Senior Government Advocate appearing for respondent Nos. 1 & 4 as well as Mr. TJ Mahanta, learned Senior counsel appearing for the respondent Nos. 2 & 3.

The matter was earlier listed for motion on 05.02.2025 and the learned Standing Counsel Health Department was asked to get instructions in the matter.

Today Mr. B Gogoi, learned Standing Counsel, Health Department submits that he has been requested to seek further 2 (two) weeks time to provide him the instructions.

The challenge made in the instant writ petition is to the notification dated 29.06.2024 by which the disability certificate given in favour of the petitioner has been sought to be cancelled. The petitioner, on the other hand, had secured his selection to the post of Research Assistant in the Planning Services under the Transformation and Development Department, which was advertised on 23.03.2023.

Having regard to the projection made by the petitioner in the writ petition, the same will have to be considered after getting a response from the respondents.

Accordingly, let notice of motion be issued returnable by 3 (three) weeks.

As the parties are all represented, no formal notice is required. Petitioner to serve requisite extra copies of the writ petition to the counsels appearing for the respondents today within 2 (two) working days.

Having regard to the projection made by the petitioner, it is provided herein that the post of Research Assistant in the Planning Services under the Transformation and Development Department meant for PWD (Open)

candidates shall not be filled up without leave of this Court.

List the matter ***after 3 (three) weeks.***

JUDGE

Comparing Assistant