

GAHC010020342024



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

**Case No. : WP(C)/727/2024**

NATHU RAM BARAI  
S/O- MATI RAM BARAI, R/O- VILL- FULKUMARI, P.S. PANBARI, P.O.  
SILIKHAGURI, DIST- CHIRANG, BTAD, ASSAM, PIN- 783390

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, HEALTH AND FAMILY WELFARE DEPARTMENT, DISPUR,  
GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM  
FINANCE DEPTT. DISPUR  
GUWAHATI-6

3:THE DIRECTOR OF HEALTH SERVICES  
ASSAM  
HENGRABARI  
GUWAHATI-36

4:THE JOINT DIRECTOR OF HEALTH SERVICE  
GOALPARA  
DIST.- GOALPARA (ASSAM PIN- 783101

5:THE SUB-DIVISIONAL MEDICAL AND HEALTH OFFICER  
MATIA BLOCK PHC  
MATIA P.O. MATIA  
DIST.- GOALPARA  
ASSAM  
PIN- 783125

6:THE MEDICAL OFFICER

LAKHIPUR BLOCK PHC  
LAKHIPUR  
P.O.- LAKHIPUR  
DIST.- GOALPARA  
ASSAM  
PIN- 78312

**Advocate for the Petitioner** : MR. K R PATGIRI, MS. D. DEVI, MS CHITRALEKHA DAS

**Advocate for the Respondent** : SC, HEALTH, SC, FINANCE DEPTT.

**BEFORE**  
**HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR**  
**ORDER**

**21/11/2025**

Mr. D P Bora, learned Standing counsel, Health & Family Welfare Department, in terms of the directions passed by this Court vide order dated 12.11.2025 has received his instructions and submitted that the petitioner is not entitled to any salaries, inasmuch as, he himself admitted that he was not in service, w.e.f. February, 2018 to September, 2023.

**2.** Mr. Bora, learned Standing counsel, Health & Family Welfare Department has also placed on record an affidavit sworn by the petitioner on 03.10.2023 and submitted before the respondent authorities, wherefrom the said aspect of the matter of the absence of the petitioner, w.e.f. February, 2018 to September, 2023 is apparent.

**3.** The present writ petition has been filed by the petitioner on 01.02.2024, however, the said undertaking given by him before the Governmental authorities has not been disclosed. The petitioner has accordingly suppressed relevant facts from this Court.

**4.** The said aspect of the matter having come on record by way of the instructions received by Mr. D P Bora, learned Standing counsel, Health & Family Welfare Department, he shall furnish a copy of the affidavit only to Mr. K R Patgiri, learned counsel for the petitioner.

**5.** Mr. K R Patgiri, learned counsel for the petitioner shall complete his instructions by

the next date of listing and address this Court on the issue raised, hereinabove.

- 6.** On the next date, this Court would consider passing of appropriate orders upon hearing Mr. K R Patgiri, learned counsel for the petitioner with regard to the misrepresentation committed by the petitioner in the present proceeding.
- 7.** Registry to list this matter again on **11.12.2025**, as a part heard matter.
- 8.** Copy of the communication dated 20.11.2025 along with its enclosures as furnished by Mr. D P Bora, learned Standing counsel, Health & Family Welfare Department, is kept on record and marked as 'X' as identification.

**JUDGE**

**Comparing Assistant**