

GAHC010020342024



undefined

**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**  
**HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**ORDER**

**Date :** 11-12-2025

Mr. K.R. Patgiri, learned counsel for the petitioner has submitted that the petitioner on being placed under detention w.e.f. 11-02-2018 in connection with Panbari P.S. Case No. 59/2017 under Section 302/ 201 IPC had approached this Court by instituting Bail Application No. 421/2018 praying for enlarging him on bail. This Court vide order dated 04-04-2018 was pleased to enlarge the petitioner on bail subject to the conditions set out in the order. One of the conditions set out in the order is to the effect that the petitioner shall not leave the territorial jurisdiction of the court of the learned SDJM(M), Bijni without prior written permission of the said court. The learned counsel for the petitioner has sought to justify the absence of the petitioner after being released on bail w.e.f. 04-04-2018 till September, 2018 to be on account of the conditions as imposed by this Court, requiring the petitioner not to leave the jurisdiction of the court of learned SDJM(M), Bijni. The petitioner, thereafter, had submitted a representation on 18-04-2019, wherein, he had contended to have resumed his services in October, 2018.

On a query made by this Court as to whether the said joining by the petitioner in his

services, which admittedly fell outside the jurisdiction of the SDJM(M), Bijni, was with the written permission of the court, Mr. Patgiri has submitted that has got no instruction to that effect. While the petitioner has submitted that he had resumed in service in the month of October, 2018, other than the representation submitted in 2019, there is no material brought on record to show that the petitioner had approached the authorities in this connection. Further the case of the petitioner is that although he had resumed his duties from October, 2018, he was not permitted to sign on the register and his biometrics attendance was also not being taken, this Court does not find any material to substantiate such statements made in the writ petition.

The affidavit sworn by the petitioner on 03-10-2023 to the effect that he would not claim arrear salary for the period of absence from February, 2018 to September, 2023 has been contended in the writ petition to have been so sworn and executed basing on the threat held out to him by the departmental authorities of not releasing to him his due salaries, if such affidavit is not sworn. If the said affidavit was sworn under coercion, the petitioner has failed to demonstrate that he had objected to the same before the higher authority immediately, thereafter. It is seen from the materials brought on record that the petitioner had earlier approached this Court highlighting the same grievance by way of instituting writ petition being W.P.(C) No. 7741/2019, which was, however, withdrawn.

The contentions made by the petitioner in the said writ petition will be required to be perused by this Court and accordingly the Registry is directed to list this matter again on 08-01-2026 along with the records of W.P.(C) No. 7741/2019.

**JUDGE**

## **Comparing Assistant**