

GAHC010023552015



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

Case No. : WP(C)/6375/2015

DR. GANESH CHANDRA BORA and 12 ORS
READER/ASSOCIATE PROFESSOR, DR J.K. SAIKIA HOMEOPATHIC
MEDICAL COLLEGE and HOSPITAL, JORHAT, ASSAM, PIN - 785008.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF HEALTH and FAMILY WELFARE, DISPUR, GUWAHATI -
781006.

Advocate for the Petitioner : MR.I KALITA

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 30.05.2022

Heard Mr. U.K. Nair, learned senior counsel assisted by Mr. M.P. Sarma, learned counsel for the petitioners. Also heard Mr. B. Gogoi, learned standing counsel for the Health & Family Welfare Department and Mr. A. Chaliha, learned standing counsel for the Finance Department.

2. The learned standing counsel for the Health & Family Welfare Department has produced a copy of written instruction dated 07.03.2022 to project that the Govt. in the Health & Family Welfare Department has taken necessary steps for amalgamation of 3 (three) Homeopathic Medical Colleges of Assam into 1 (one) college with infrastructure modernization and introduction of Post Graduate courses, further providing that after unification, the matter would be examined to grant AICTE pay scale.

3. In connection with the said instruction, the query of the Court is that usually medical courses are of 5 (five) years with 1 (one) year compulsory internship. Therefore, if a decision is taken now for amalgamation of 3 (three) Homeopathic Colleges into 1 (one) college, by the time the students of the three colleges passed out, it would be about 6 (six) years and it is only after the unification process, the State respondents would decide the AICTE pay scale, which would be too late.

4. Therefore, the Health & Family Welfare Department would clarify the time limit, within which they would examine the grant of AICTE pay scale to the petitioners. Moreover, the Health & Family Welfare Department should also apprise the Court as to whether they had submitted any fresh proposal to the Finance (PRU) Department pursuant to minutes of discussion held on 17.06.2019 for grant of AICTE pay scale to the petitioners.

5. As this is a writ petition pending since the year 2015, if no instruction is forthwith by the next date, the Court would proceed to hear the matter on merit.

6. The learned standing counsel for the Health & Family Welfare

Department as well as the Finance Department shall transmit a downloaded copy of this order to the respondent authorities to bring this order to their notice.

7. The instruction produced by the learned standing counsel for the Health & Family Welfare Department is returned.

8. List on 17.06.2022.

JUDGE

Comparing Assistant