

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 MICHAEL ZOTHANKHUMA

ORDER

Date : 30-08-2022

Heard Mr. UK Nair, learned senior counsel for the petitioner and Mr. B Gogoi, learned Standing Counsel, Finance Department as well as Ms. D Borah, learned Standing Counsel, Health Department.

The prayer of the petitioners is to apply the AICTE scale of pay to the

faculty members of the Homeopathic Medical Colleges of Assam. The petitioners' counsel submits that earlier diploma courses were being conducted in the Homeopathic Colleges of Assam. However, as on date, degree courses are being imparted.

The report of the Anomaly Committee 2010 also shows that the Health Department is in favour of granting the AICTE pay scale to the faculty members of the Homeopathic Medical Colleges.

The letter dated 27.06.2022 issued by the Deputy Secretary to the Government of Assam, Finance (PRU) Department to Mr. B Gogoi, learned Standing Counsel, Finance Department states that the Health & Family Welfare Department being the Administrative Department, should first take up policy decision for grant of AICTE pay scale to the post graduate teaching staffs of Homeopathic Medical Colleges with justification and workout the financial implications.

On considering the above letter dated 27.06.2022, it is clear that the Health Department and Family Welfare Department will have to make a proposal for grant of AICTE pay scales to the teaching staffs of the Homeopathic Medical Colleges, which will have to be scrutinised by the Finance Department and thereafter sent to the Cabinet for approval. However, the Health & Family Welfare Department cannot take a policy decision, as the same is the prerogative of the Cabinet and not the Health Department.

In view of the above reasons, the Health Department is directed to make a proposal for grant of AICTE pay scale to the teaching staff of the Homeopathic Medical Colleges with justification along with financial implications involved.

The proposal should be made within a period of 4 (four) weeks and the

same should thereafter be sent to the Finance Department.

List the matter on ***30th September, 2022.***

JUDGE

Comparing Assistant