

GAHC010038212026



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

Case No. : WP(C)/1419/2026

PRANJIT BORO AND 17 ORS.
SON OF LATE NAGEN BORO, RESIDENT OF DIGHITIPAR, P.O AND P.S-
TAMULPUR,
DISTRICT- TAMULPUR, ASSAM

2: SUBHASH UZIR
SON OF LATE RAMESH UZIR
RESIDENT OF PHAHURABARI
P.O. HAZARAGAON
P.S- TAMULPUR
DISTRICT- TAMULPUR
ASSAM

3: RAMEN MALAKAR
SON OF LATE SARIYA MALAKAR
RESIDENT OF SANDHA
P.O- SANDHA
P.S AND DIST- NALBARI
ASSAM

4: SOLOMON MOSAHARY
SON OF RATAN MOSAHARY
RESIDENT OF HOROTOLA
P.O- PATKIJULI
P.S- TAMULPUR
DISTRICT- BAKSA
ASSAM

5: RAJMAHAN BISWAS
SON OF LATE KADARI BISWAS
RESIDENT OF NOMKE ANGARKATA
P.O.- KAMARIKATA
P.S.- TAMULPUR
DISTRICT- TAMULPUR

ASSAM

6: BIKASH MAZUMDAR
SON OF KHAZEN MAZUMDAR
RESIDENT OF KALAJHAR
P.O- PATTIJOLI
P.S- TAMULPUR

DISTRICT- TAMULPUR
ASSAM

7: NAYAN KALITA
SON OF NABIN KALITA
RESIDENT OF PUKHURIPAR
P.S- GORESWAR
DISTRICT- TAMULPUR
ASSAM

8: RATNA BAHADUR PRADHAN
C/O DHAN BAHADUR PRADHAN
RESIDENT OF NATUN HOWLY
P.O NATUN HOWLY
DIST- TAMULPUR
ASSAM

9: ARUN BASUMATARY
SON OF LATE HARKESWAR BASUMATARY
RESIDENT OF AMBARI
SARUBHERA
P.O. NO. 2
DARRANGAPAR
DISTRICT- TAMULPUR
ASSAM

10: MOHAN BORO
SON OF LATE MONIRAM BORO
RESIDENT OF GHOGMARI
P.O. KACHUBARI
DISTRICT- TAMULPUR
ASSAM

11: BRAJEN BORO
SON OF LATE BALIRAM BORO
RESIDENT OF BALTI PAR
P.O- NAGRIJULI
P.S. AND DIST- TAMULPUR
ASSAM

12: SANJIB CHAUHAN
SON OF TAKRA BD. CHAUHAN
RESIDENT OF KUMBHIJAR
P.O- NAGRIJULI
P.S- TAMULPUR
DISTRICT- TAMULPUR
ASSAM

13: SUKUMAR SARKAR
SON OF LATE SAHADEV SARKAR
RESIDENT OF BAGARIKHUTI
P.S- TAMULPUR
DISTRICT- TAMULPUR
ASSAM

14: TRIDIP DAS
SON OF LATE DHANJIT DAS
RESIDENT OF KUMBHIJAR
P.S- TAMULPUR
DISTRICT- TAMULPUR
ASSAM

15: BARMWDAL MUCHAHARI
SON OF LATE KAMESWAR MUCHAHARY
RESIDENT OF GHARAMARA
P.O- RANCHADHAM
DISTRICT- CHIRANG
ASSAM

16: GURUCHARAN DAS
SON OF LATE NABIN DAS
RESIDENT OF PAIKAN BONMAJA
P.S- MUKALMUA
DIST- NALBARI
ASSAM

17: SADANANDA MEDHI
SON OF JOGESWAR MEDHI
RESIDENT OF UZIRBARI
P.O- THAMNA
DISTRICT- BAKSA
ASSAM

18: PRAHLAD NARAYAN BORO
SON OF L. K. BORO
RESIDENT OF WARD NO. 2
P.S.- TAMULPUR
DISTRICT- TAMULPUR

ASSA

VERSUS

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

2:DIRECTOR OF HEALTH SERVICES ASSAM
HENGRABARI
GUWAHATI-36

3:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY THE SECRETARY
BTC
KOKRAJHAR
ASSAM

4:THE SECRETARY
HEALTH AND FAMILY WELFARE DEPARTMENT
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM

5:THE DIRECTOR OF HEALTH SERVICES
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM

6:THE JOINT DIRECTOR OF HEALTH SERVICES (MALARIA)
ASSAM
CHRISTIAN BASTI
GUWAHATI-

Advocate for the Petitioner : MR. Y S MANNAN, MS R BEGAM,MR. C K NATH

Advocate for the Respondent : SC, HEALTH, GA, ASSAM,SC, BTC

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

11.03.2026

Heard Mr. Y.S Mannan, learned counsel for the petitioner. Also heard Ms. S Sarma, learned Standing Counsel, Health and Ms. J. Saikia, learned Standing Counsel, BTC.

The petitioners claim to be serving as surveillance workers under the various BTC districts since their date of appointment. According to the petitioners are that in terms of the Rules governing their services, they are eligible for being considered and promoted to the next higher post of Inspector. There is no deficiency in the services rendered by the petitioners. However, notwithstanding that the government in the Department of Health has taken a decision to exclude the malaria staff working under BTAD, Karbi Anglong and Dima Hasao Autonomous Districts from promotion to the immediate higher posts.

The counsel for the petitioner submits that this decision is without any reason and contrary to the service Rules. The effect of this decision would render the petitioners not having avenues for being promoted to the next higher post of Inspector. It is apprehended that although the petitioners are qualified under the Rules and meets the criteria for being eligible for being considered to the next higher post of Inspector because of their names not being included in the common gradation list, they will be deprived from being considered for promotion to the next higher post. Under such circumstances, the petitioners are before this court.

The learned counsel appearing for the Health and the BTC will obtain their instructions and apprise the court

List on 30.03.2026.

Although notices are not issued, in order to enable the standing counsel to obtain the instructions, extra copies be furnished within 2 working days.

JUDGE

Comparing Assistant