

GAHC010040732026



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

Case No. : WP(C)/1188/2026

DR MANIR UDDIN DEWAN
S/O LATE ABDUL AZIZ DEWAN, R/O HOUSE NO. 10, PHOOL PAHI PATH,
NORTH JALUKBARI, P.O- GAUHATI UNIVERISTY, P.S- JALUKBARI, PIN-
781014, DIST- KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM AND 10 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
ASSAM, HEALTH AND FAMILY WELFARE(A) DEPARTMENT, DISPUR,
GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
MEDICAL EDUCATION AND RESEARCH DEPARTMENT
DISPUR
GUWAHATI-6

3:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
MEDICAL EDUCATION AND RESEARCH DEPARTMENT
DISPUR
GUWAHAT-6

4:THE SECRETARY TO THE GOVT OF ASSAM
MEDICAL EDUCATION AND RESEARCH DEPARTMENT
DISPUR
GUWAHATI-6

5:THE MEDICAL AND HEALTH RECRUITMENT BOARD
ASSAM
ACMR BUILDING
NEAR OFFICE OF THE DME
SIX MILE

KHANAPARA
GUWAHATI-22
REPRESENTED BY ITS SECRETARY

6:THE SECRETARY
MEDICAL AND HEALTH RECRUITMENT BOARD
ASSAM
ACMR BUILDING
NEAR OFFICE OF THE DME
SIX MILE
KHANAPARA
GUWAHATI-22

7:THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM
HEALTH AND FAMILY WELFARE(B) DEPARTMENT
DISPUR
GUWAHATI- 6

8:THE JOINT SECRETARY TO THE GOVT OF ASSAM
HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR
GUWAHATI-6

9:THE DIRECTOR OF AYUSH
ASSAM
DISPUR
GUWAHATI-6

10:THE GOVERNMENT AYURVEDIC COLLEGE HOSPITAL
JALUKBARI
GUWAHATI- 14 REPRESENTED BY ITS PRINCIPAL

11:THE PRINCIPAL
GOVERNMENT AYURVEDIC COLLEGE HOSPITAL
JALUKBARI
GUWAHATI-1

Advocate for the Petitioner : MR. A SARMA, L SANGTAM,MR. W RAHMAN,MR. K
KALITA,MS G SWAMI

Advocate for the Respondent : SC, HEALTH AND F W,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

27.02.2026

Heard Mr. A Sarma, learned counsel for the petitioner.

2. The petitioner is working as a Medical Officer (Ayur) posted at Government Ayurvedic College, Guwahati under the attachment of Assistant Professor, Department of Kayachakitsa, Government Ayurvedic College, Guwahati.

3. In response to the advertisement No. MHRB/70/GAC/Asst. Prof/2025/4748 dated 11th December, 2025 whereby one post of Assistant Professor (Ayurveda) in the Department of Kayachakitsa *inter alia* was advertised, the petitioner applied for the said post. In the said advertisement initially the upper age limit was fixed as 38 years, subsequently, by a corrigendum dated 28.01.2026, it was further increased to 45 years. The petitioner meets all the other criteria, however, as on 01.01.2025, the petitioner was 47 years 11 months. Therefore he submitted a representation dated 30.12.2025 before the authorities seeking condonation of his upper age limit. The matter is presently under consideration and communications are exchanged between the Director of Ayush and the Department of Medical Education and Research Department that steps may be taken for relaxation of his over age enabling him to apply for and selected in the said post.

4. The learned counsel for the petitioner submits that while the application was required to be made through online process but by virtue of the fact that he was over-aged, his application was not accepted in the online mode. Therefore, he submitted his application physically within the stipulated time. Now the date for interview is fixed on 02.03.2026 and the list of shortlisted candidates for the post of Assistant Professor (Ayurveda), Department of Kayachakitsa in which the petitioner was applied for, does not include the name of the writ petitioner. Being aggrieved, the petitioner is before this Court. The

prayer of the writ petitioner is to permit him to appear in the interview pending consideration of his application seeking condonation of his upper age limit in order to make him eligible for appearing in the interview. As on date, by his application for condonation of the upper age limit is under consideration by the department but no orders have been passed either granting it or rejecting it. Under such circumstances, his prayers before this Court is to permit him to appear in the interview scheduled to be held on 02.03.2026

5. Mr. B.P Borah, learned Standing Counsel, Health Department submits that at this stage he has no instructions. He however, submits that his application for appearing in the interview may be considered making it subject to such order(s) as may be passed by the department on his application for condoning his upper age limit.

5. Considering the submissions made, this Court considers it appropriate to dispose of the writ petition at this stage without issuing notice with the following order:

(i) The writ petitioner will be permitted to appear in the interview schedule to be held on 02.03.2026 for selection and appointment to the post of Assistant Professor (Ayurveda), Government Ayurvedic College and Hospital, Guwahati in the Department of Kayachakitsa along with other eligible candidates.

(ii) In the event the petitioner is shortlisted for the post, the same shall however, be subject to such order(s) as may be passed by the Department regarding the prayer for relaxation of the upper age limit made by the writ petitioner.

(iii) The Government will endeavor to pass appropriate order(s) on his application seeking relaxation of his upper age limit as expeditiously as

possible.

(iv) If the petitioner is shortlisted as a candidate in the interview scheduled to be held on 02.03.2026 for the said post, the same shall be made subject to the outcome of any such decision of the Government may pass regarding relaxation of the upper age limit as prayed for by the petitioner.

- 6.** The writ petition stands disposed of in terms of the above.
- 7.** Needless to say if the petitioner is aggrieved by any such order rejecting his prayer for condonation of upper age limit, the petitioner will have liberty to approach this Court.
- 8.** Copy of this order be marked to the Office of the Standing Counsel, Health Department for onward communication to enable the petitioner to appear in the interview scheduled to be held on 02.03.2026.

JUDGE

Comparing Assistant