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

**Case No. : WP(C)/4050/2025**

SRI JUGAL GAM AND 8 ORS  
S/O NANDA NATH GAM R/O CHETIA GAON, WARD NO. 5, NORTH  
LAKHIMPUR, DISTRICT - LAKHIMPUR, ASSAM - 787001.

2: SRI SHYAM PRASAD BARUAH  
S/O LATE MANINDRA PRASAD BARUAH R/O RAJADUAR  
NORTH GUWAHATI  
KAMRUP  
ASSAM - 781030.

3: SMTI SANTANA SARMA  
W/O SRI BHASKAR JYOTI NATH R/O GANESH PATH  
HOUSE NO. 17  
HATIGAON  
GUWAHATI  
KAMRUP (M)  
ASSAM - 781038.

4: SMTI SWAGOTA DUTTA  
W/O SRI GAURAV MAHANTA R/O- C/O PURNIMA BORDOLOI  
HOUSE NO. 19 AND 20  
ULUBARI  
GUWAHATI  
KAMRUP (M)  
ASSAM -781007.

5: IMDADUL ISLAM KHAN  
S/O LATE ABDUR RAHMAN KHAN R/O GANDHI NAGAR  
P.O. BARPETA  
DISTRICT - BARPETA  
ASSAM - 781301.

6: SMTI SUPRIYA DAS  
W/O BHASKAR JYOTI NATH R/O LOTHABORI

WARD NO. 1  
NEAR B.ED COLLEGE  
MORIGAON  
ASSAM - 782105.

7: SMTI KAKOLI DUTTA  
W/O SRI SONKUL PLABAN BARUAH R/O CHABUA  
DIBRUGARH  
ASSAM - 786184.

8: SMTI UJWALA BARUAH  
W/O NUPUR GOHAIN R/O - C/O SUBHASH CHANDRA GOHAIN  
GONDHIA (BORCHAPORI)  
VILLAGE- PANITOLA  
DISTRICT - TINSUKIA  
ASSAM - 786183.

9: SMTI NABANITA DAS  
S/O SRI KRIPAL JYOTI MAZUMDAR R/O HOUSE NO. 6  
CHANDAN NAGAR  
TRIBENI PATH  
SIX MILE  
GUWAHATI  
KAMRUP (M)  
ASSAM - 781022

VERSUS

THE STATE OF ASSAM AND 11 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM, HEALTH AND FAMILY WELFARE  
DEPARTMENT, DISPUR, GUWAHATI - 781006.

2:THE JOINT SECRETARY TO THE GOVERNMENT OF ASSAM  
HEALTH AND FAMILY WELFARE (A) DEPARTMENT  
DISPUR  
GUWAHATI - 781006.

3:THE DIRECTOR OF HEALTH SERVICES  
ASSAM  
HENGERABARI  
GUWAHATI - 781036.

4:THE JOINT DIRECTOR OF HEALTH SERVICES  
NAGAON  
A.T. ROAD  
HAIBARGAON  
DISTRICT - NAGAON

ASSAM - 782001.

5:THE JOINT DIRECTOR OF HEALTH SERVICES  
SIVSAGAR  
DOL MUKHI CHARIALI  
DISTRICT - SIVSAGAR ASSAM - 785640.

6:THE JOINT DIRECTOR OF HEALTH SERVICES  
TINSUKIA  
G.N.B. ROAD  
DISTRICT - TINSUKIA ASSAM - 786125.

7:THE JOINT DIRECTOR OF HEALTH SERVICES  
NALBARI  
NEAR SMK HOSPITAL  
DISTRICT - NALBARI ASSAM - 781335.

8:THE JOINT DIRECTOR OF HEALTH SERVICES  
DHUBRI  
A.K. AZAD ROAD  
DISTRICT - DHUBRI  
ASSAM - 783301.

9:THE JOINT DIRECTOR OF HEALTH SERVICES  
DARRANG  
DISTRICT - DARRANG  
ASSAM - 784125.

10:THE JOINT DIRECTOR OF HEALTH SERVICES  
BONGAIGAON  
NEAR OLD CIVIL HOSPITAL  
DISTRICT - BONGAIGAON  
ASSAM - 783380.

11:THE JOINT DIRECTOR OF HEALTH SERVICES  
SONITPUR  
NEAR TEZPUR COLLEGE  
DISTRICT - SONITPUR ASSAM - 784001.

12:THE JOINT DIRECTOR OF HEALTH SERVICES  
MORIGAON  
KHIROD BARUA PATH  
DISTRICT -MORIGAON  
ASSAM - 782105

**Advocate for the Petitioner** : MR B D DAS, MR J LOTHAN, MR H K SARMA, MR D  
KALITA, MR. H R DAS

**Advocate for the Respondent : SC, HEALTH,**

Linked Case : WP(C)/1834/2025

SMTI SANTANA SARMA AND 8 ORS.  
W/O.- SRI BHASKAR JYOTI NATH  
R/O.- GANESH PATH  
HOUSE NO. 17  
HATIGAON  
GUWAHATI  
KAMRUP (M)  
ASSAM - 781038.

2: JUGAL GAM  
S/O.- NANDA NATH GAM  
R/O.- CHETIA GAON  
WARD NO. 5  
NORTH LAKHIMPUR  
DISTRICT - LAKHIMPUR  
ASSAM -787001.

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W/O.- BHASKAR JYOTI NATH  
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WARD NO. 1  
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MORIGAON  
ASSAM -782105.

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W/O.- SRI SONKUL PLABAN BARUAH  
R/O.- CHABUA  
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ASSAM - 786184.

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S/O LATE MANINDRA PRASAD BARUAH  
R/O- RAJADUAR  
NORTH GUWAHATI  
KAMRUP  
ASSAM - 781030.

6: SMTI SWAGOTA DUTTA  
W/O.- SRI GAURAV MAHANTA

R/O- C/O. PURNIMA BORDOLOI  
HOUSE NO. 19 AND 20  
ULUBARI  
GUWAHATI  
KAMRUP (M)  
ASSAM - 781007.

7: SMTI UJWALA BARUAH  
W/O.- NUPUR GOHAIN  
R/O - C/O SUBHASH CHANDRA GOHAIN  
GONDHIA (BORCHAPORI)  
VILLAGE - PANITOLA  
DISTRICT - TINSUKIA  
ASSAM - 786183.

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S/O SRI KRIPAL JYOTI MAZUMDAR  
R/O.- HOUSE NO. 6  
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9: IMDADUL ISLAM KHAN  
S/O LATE ABDUR RAHMAN KHAN  
R/O.- GANDHI NAGAR  
P.O. BARPETA  
DISTRICT - BARPETA  
ASSAM - 781301.  
VERSUS

THE STATE OF ASSAM AND 2 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM  
HEALTH AND FAMILY WELFARE DEPARTMENT  
DISPUR  
GUWAHATI - 781006.

2:THE JOINT SECRETARY  
TO THE GOVERNMENT OF ASSAM  
HEALTH AND FAMILY WELFARE (A) DEPARTMENT  
DISPUR  
GUWAHATI - 781006.

3:THE DIRECTOR OF HEALTH SERVICES  
ASSAM

HENGERABARI  
GUWAHATI - 781036.

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Advocate for : MR B D DAS  
Advocate for : SC  
HEALTH AND F W appearing for THE STATE OF ASSAM AND 2 ORS.

Linked Case : I.A.(Civil)/1179/2025

SMTI SANTANA SARMA AND 8 ORS  
AGED ABOUT 43 YEARS  
W/O SRI BHASKAR JYOTI NATH  
R/O GANESH PATH  
HOUSE NO. 17  
HATIGAON  
GUWAHATI  
KAMRUP (M)  
ASSAM- 781038.

2: JUGAL GAM  
S/O.- NANDA NATH GAM  
R/O.- CHETIA GAON  
WARD NO. 5  
NORTH LAKHIMPUR  
DISTRICT - LAKHIMPUR  
ASSAM -787001.

3: SMTI SUPRIYA DAS  
W/O.- BHASKAR JYOTI NATH  
R/O.- LOTHABORI  
WARD NO. 1  
NEAR B.ED COLLEGE  
MORIGAON  
ASSAM -782105.

4: SMTI KAKOLI DUTTA  
W/O.- SRI SONKUL PLABAN BARUAH  
R/O.- CHABUA  
DIBRUGARH  
ASSAM - 786184.

5: SHYAM PRASAD BARUAH  
S/O LATE MANINDRA PRASAD BARUAH  
R/O- RAJADUAR  
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ASSAM - 781030.

6: SMTI SWAGOTA DUTTA  
W/O.- SRI GAURAV MAHANTA  
R/O- C/O. PURNIMA BORDOLOI  
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KAMRUP (M)  
ASSAM - 781022.

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P.O. BARPETA  
DISTRICT - BARPETA  
ASSAM - 781301.  
VERSUS

THE STATE OF ASSAM AND 2 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
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HEALTH AND FAMILY WELFARE DEPARTMENT  
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ASSAM  
HENGARABARI  
GUWAHATI - 781036.

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Advocate for : MR B D DAS  
Advocate for : SC  
HEALTH appearing for THE STATE OF ASSAM AND 2 ORS

Linked Case : I.A.(Civil)/284/2026

THE STATE OF ASSAM AND 11 ORS  
REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT. OF  
ASSAM  
HEALTH AND FAMILY WELFARE DEPTT.  
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GUWAHATI 781006

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Advocate for : MR. D P BORAH  
Advocate for : MR J LOTHAN appearing for JUGAL GAM AND 8 ORS

Linked Case : I.A.(Civil)/2877/2025

SRI JUGAL GAM AND 8 ORS  
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ASSAM - 782105.

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Advocate for : MR B D DAS  
Advocate for : SC  
HEALTH appearing for THE STATE OF ASSAM AND 11 ORS

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

**ORDER**

**Date : 24.02.2026**

1. Mr. D.P Borah, learned standing counsel, H&FW, Assam, appearing for the respondents, during the consideration of the matter, has submitted that the petitioners were discharged from their temporary appointment on the ground that the works involved against the post of District Malaria Officer, was not called to be manned, in as much as, the cases of malaria in the state had diminished.
2. *Per contra*, Mr. B.D Das, learned counsel for the petitioner has submitted that after the petitioners were discharged from their respective temporary appointments and the post against which they were so engaged i.e. the post of District Malaria Officer, is now being managed by persons in the feeder categories. It is pointed out that the continuous manning of the post of District Malaria Officer, Morigaon, reflects that there is a necessity of having a hand to man the works so assigned to the post of District Malaria Officer.
3. In the event, the contentions raised by the learned counsel for the petitioner is correct, the very basis for discharging the petitioners from their services would not exist. However, before this Court draws its conclusions in the matter, an opportunity is given to Mr. D.P Borah, learned standing counsel, H&FW, Assam, to receive his instructions and apprise this Court about the same.
4. Registry to list this matter on 09.03.2026 for further hearing.

**JUDGE**

**Comparing Assistant**