

GAHC010196612025



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

Case No. : I.A.(Civil)/2877/2025

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. H R DAS,MR D KALITA,MR H K SARMA,MR
J LOTHA

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
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ASSAM - 781038.

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R/O.- CHETIA GAON
WARD NO. 5
NORTH LAKHIMPUR
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ASSAM -787001.

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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
NORTH GUWAHATI
KAMRUP
ASSAM - 781030.

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W/O.- SRI GAURAV MAHANTA

R/O- C/O. PURNIMA BORDOLOI
HOUSE NO. 19 AND 20
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ASSAM - 781007.

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

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R/O.- HOUSE NO. 6
CHANDAN NAGAR
TRIBENI PATH
SIX MILE
GUWAHATI
KAMRUP (M)
ASSAM - 781022.

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.

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
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DISTRICT - LAKHIMPUR
ASSAM -787001.

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R/O.- LOTHABORI
WARD NO. 1
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MORIGAON
ASSAM -782105.

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

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

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VILLAGE - PANITOLA
DISTRICT - TINSUKIA
ASSAM - 786183.

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P.O. BARPETA
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HEALTH AND FAMILY WELFARE (A) DEPARTMENT
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GUWAHATI - 781006.

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

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

Linked Case : 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.

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S/O LATE MANINDRA PRASAD BARUAH R/O RAJADUAR
NORTH GUWAHATI
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3: SMTI SANTANA SARMA
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HOUSE NO. 17
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DISTRICT -MORIGAON

ASSAM - 782105.

Advocate for : MR B D DAS

Advocate for : SC

HEALTH appearing for THE STATE OF ASSAM AND 11 ORS

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

07.11.2025

Heard Mr. B.D Das, learned Senior counsel assisted by Mr. D Kalita and Mr. H.K. Sharma, learned counsel for the applicants. Also heard Mr. D.P. Borah, learned Standing Counsel, Health Department.

This interlocutory application has been filed by the applicants seeking urgent orders from the Court whereby the applicants claim that they are not allowed to work on the ground that they are released from service.

The applicants have otherwise filed the accompanying writ petition being W.P(C) No. 4050/2025 seeking a direction to the respondent authorities for regularization of their services and also for setting aside with the order dated 04.07.2025 whereby the representation of one of the writ petitioners stood rejected. The petitioners claim that they are still working but the respondents have not permitted them to attend office and their salaries have not been released.

This Court by order dated 23.07.2025 while issuing notice had directed that the order rejecting the regularisation of the writ petitioners vide order dated 04.07.2025 and all other consequential orders that may have been issued shall not be given effect till the next date fixed. This interim order has been subsequently extended and is still in force.

The writ petitioners therefore submits that notwithstanding the directions issued, the writ petitioners are not allowed to work and their salaries for the period of services

rendered have not been released. Therefore, this interlocutory application has been filed seeking specific orders.

The opposite party/respondents have filed an affidavit stating that these petitioners were appointed under 3(f) and once their period of extension is over, they are not entitled to be retained in service unless ordered specifically. That apart they have also been released from their service by passing specific order.

Upon consideration of the submission made, it is seen that the interim order dated 23.07.2025 is still in force. The interim order passed in an intra party order and no application has been filed on behalf of the respondents seeking modification or alteration or review of the orders passed. No appeal also has been filed against the order.

Under such circumstances, the respondents are duty bound to carry out the directions of the Court giving full effect to the interim orders passed by this Court.

The respondents will therefore ensure that during the currency of the interim order, the petitioners are permitted to attend to their work and their current salaries be released for the period they have worked.

Let a compliance affidavit to that effect be filed by the respondents within four weeks from today.

Let the interlocutory application along with the writ petition be listed after four weeks.

JUDGE

Comparing Assistant