

GAHC010069892026



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

Case No. : WP(C)/1972/2026

MRS MANJU DOLEY
WIFE OF MR. DAIRING PATGIRI, RESIDENT OF BHITAR PARUWA, P.O. AND
P.S. TEZPUR, DISTRICT- SONITPUR, PIN- 784001, ASSAM

VERSUS

THE STATE OF ASSAM AND 9 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
COOPERATION DEPARTMENT, DISPUR, GUWAHATI- 871006, ASSAM

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
PERSONNEL DEPARTMENT
DISPUR
GUWAHATI- 781006
ASSAM

3:THE DEPUTY SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL DEPARTMENT
DISPUR

GUWAHATI- 781006
ASSAM

4:THE REGISTER OF COOPERATIVE SOCIETIES
KHANAPARA
GUWAHATI- 781022

DISTRICT- KAMRUP (M)
ASSAM

5:THE ZONAL REGISTER OF COOPERATIVE SOCIETIES

BHANGAGARH
GUWAHATI- 781005
DISTRICT- KAMRUP (M)
ASSAM

6:THE DISTRICT DEPUTY REGISTER OF COOPERATIVE SOCIETIES
SONITPUR
ASSAM

7:THE DISTRICT DEPUTY REGISTER OF COOPERATIVE SOCIETIES
DIBRUGARH
ASSAM

8:THE ELCTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER
NEW DELHI- 110001

9:THE DISTRICT COMMISSIONER AND DISTRICT ELECTION OFFICER
DIST.- SONITPUR
TEZPUR

10:MD. HIBZUR RAHMAN
SR. INSP./AUD. OF CS
O/O ARCS
BISWANATH CHARIALI
ASSA

Advocate for the Petitioner : MR S BORTHAKUR, B DUTTA,MR. N SARKAR,P PANIKA,MRS.
J C SARKAR

Advocate for the Respondent : GA, ASSAM, SC, ECI,SC, CO OP

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

02.04.2026

Heard Mr. S. Borthakur learned counsel for the petitioner; Mr. S. K.
Talukdar, learned Standing Counsel appearing for the Cooperation Department

and Ms. S. Kataki appearing for the Election Commission of India.

2. The Petitioner before this court is presently serving as a Senior Inspector under the Cooperation Department and posted at Sonitpur. By orders dated 15.03.2026, the petitioner was transferred from Sonitpur to Dibrugarh. This order is a common order, whereby the transfer orders was issued against other officers also. Although it is not specified in the order itself, however, the learned counsel for the petitioner submits that it is in pursuance to the Election Commission notification issued on 09.02.2026.

3. The learned counsel for the Petitioner submits that the petitioner is presently suffering from severe ailment and requires constant medical treatment and supervision under the Oncology Department of Shankara Cancer and Research Institute, which is situated in Tezpur, and where she is presently undergoing treatment there. The relevant medical documents have been enclosed to the writ petition.

4. It is submitted by the learned counsel for the petitioner that under these circumstances, the petitioner is before this Court praying for a direction to the Respondent authorities to review the order of transfer issued to the petitioner only on medical grounds.

5. The learned counsel for the petitioner further submits that in this respect, she has already represented before the Secretary Cooperation Department, vide

representation dated 17.03.2026 and similar representation has also been submitted to the District Deputy Registrar of Cooperative Society, vide representation dated 20.03.2026. Both these representations have been submitted along with the necessary and relevant medical documents. It is therefore submitted that the impugned order of transfer dated 15.03.2026 be altered, taking into consideration of the health of the petitioner.

6. Mr. S. K. Talukdar, learned Standing Counsel Cooperation Department submits that this transfer order is issued in terms of the ECI circular. However, he does not have any instructions as to the status of the representations stated to be filed by the petitioner, which are enclosed in the writ petition.

7. Ms. S. Kataki, learned Standing Counsel, ECI, on the other hand draws the attention of the Court Clause No. 5 of the ECI notification dated 09.02.2026 and submits that in case of any difficulty in compliance of these instructions, specific cases may be referred with reasons to the Commission through the CEO for exemption, and the Commission will thereafter issue directions if considered necessary.

8. Considering the submissions made at the Bar, and also considering the plea urged before this Court by the petitioner that she is suffering from serious health ailments which require constant medical care and supervision, which she is presently undergoing, and that the transfer at this stage would be detrimental

to her health, this court is of the considered view that since there is already a provision in Clause 5 of the Election Commission Notification No. *437/6/1/INST/ECI/FUNCT/MCC/2026* dated 09.02.2026 that specific case can be referred to the Commission with reasons in cases of any difficulty in compliance of these rules, and whereupon the Commission will pass effective orders; this Court considers it appropriate to close this writ petition at this stage without issuance of notice and without expressing anything on merit.

9. Since the petitioner has referred to two Representations which are already pending: One, before the Secretary to the Cooperation Department, and the other before the District Deputy Registrar of Cooperative Society. The Respondent No. 1, namely the Secretary to the Government of Assam, Cooperation Department will forthwith, transmit the representation filed by the petitioner along with all relevant documents including any supporting medical documents along with reasons to the Commission to consider the prayer of the petitioner in terms of Clause 5 of the ECI Notification dated 09.02.2026.

10. The Election Commission will thereafter pass appropriate orders thereon as expeditiously as possible. Till such orders are passed, the transfer order dated 15.03.2026, in so far as the writ petitioner is concerned shall not be given effect to.

11. Copies of this order shall be marked to the Office of the learned Standing

Counsel, Cooperation Department and the leaned Standing Counsel, ECI for onward communication.

JUDGE

Comparing Assistant