

GAHC010084752024



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

Case No. : WP(C)/2290/2024

GITARTHA DAS
S/O SRI AJIT KUMAR DAS, R/O JYOTI NAGAR NEAR RAILWAY LINE, NA-
ALI, P.O.-JORHAT, P.S.-JORHAT, DIST-JORHAT, ASSAM, PIN-785001

VERSUS

- 1.THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM
- 2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
PERSONNEL DEPARTMENT
DISPUR JANATA BHAWAN GUWAHATI-6
- 3:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF SOCIAL JUSTICE AND EMPOWERMENT
DISPUR JANATA BHAWAN GUWAHATI-6
- 4:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR JANATA BHAWAN GUWAHATI-6
- 5:THE CHIEF ENGINEER
PUBLIC WORKS (BUILDING AND NH) DEPARTMENT TO THE
GOVERNMENT OF ASSAM
KRISHNA NAGAR CHANDMARI GUWAHATI PIN-781003
- 6:THE STATE LEVEL RECRUITMENT COMMISSION FOR CLASS-III POSTS
REPRESENTED BY ITS CHAIRMAN/SECRETARY
ASSAM ADMINISTRATIVE STAFF COLLEGE
JAWAHARNAGAR KHANAPARA GUWAHATI-22
- 7:THE JOINT DIRECTOR OF HEALTH SERVICES JORHAT
DIST-JORHAT ASSAM PIN-785001

8:THE MEDICAL BOARD
REPRESENTED BY THE PRINCIPAL-CUM- CHIEF SUPERINTENDENT
GAUHATI MEDICAL COLLEGE AND HOSPITAL
GUWAHATI-32 ASSAM

Advocate for the Petitioner : MR. S K ROY

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 14.06.2024

Heard Mr. S.K. Roy, learned counsel for the petitioner.

All the respondents are duly represented by their respective Departmental Counsel.

In this writ petition, the competent authority had given a disability certificate to the petitioner by indicating the percentage of disability which was issued under the provisions of Right of Persons with Disabilities Act, 2016.

The Medical Board which had conducted the re-verification of the disability of the selected candidates had found the percentage of disability below the benchmark. Owing to it, the petitioner was not selected in the recruitment for Class- III and Class- IV posts which was held by the State Level Recruitment Commission (SLRC).

It is also noticed that when the State Government has accepted the assessment done by the medical team, the State has not re-visited the disability certificate issued by the competent authority. Therefore, there are two different assessments of the disability in respect of the petitioner.

Under such circumstances, the State Level Recruitment Commission for Class-III and Class-IV posts, represented by its Chairman as well as the Principal Secretary to

the Government of Assam, Health and Family Welfare Department shall issue appropriate directions so that the competent authorities under their respective jurisdiction can positively file their affidavit(s)-in-opposition within 19.07.2024.

Even if such affidavit(s)-in-opposition cannot be filed for compelling reasons, the State authorities shall ensure that the respective learned Standing Counsel/Departmental Counsel are provided with complete instructions.

The said two authorities shall also take notice of the fact that in the event, neither the instructions are provided to the learned Standing Counsel nor any affidavit-in-opposition is filed, the said two authorities shall be personally present in the Court on the next date of listing.

The appearance of the said two authorities would not be required if the affidavit(s)-in-opposition or the instructions are provided.

The affidavit-in-opposition(s) be filed within 19.07.2024.

List this matter on 22.07.2024.

Learned Standing Counsel, SLRC as well as the learned Standing Counsel, Health and Family Welfare Department shall transmit the order of this Court to the respective authorities.

Interim order, passed earlier is extended till the next date fixed.

JUDGE

Comparing Assistant