

GAHC010096592018



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

Case No. : WP(C) 2959/2018

1:DR. BHABATOSH KUMAR ROY,
S/O- LT N K ROY, PROFESSOR AND HEAD OF THE DEPTT., DEPTT. OF
ORTHODONTICS, REGIONAL DENTAL COLLEGE, P.O. NARAKASUR, GHY-
32, KAMRUP (M), ASSAM

VERSUS

1:THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
HEALTH AND FAMILY WELFARE (B) DEPTT., DISPUR, GHY-6

2:THE PRINCIPAL
REGIONAL DENTAL COLLEGE
P.O. NARAKASUR
GHY-32
KAMRUP (M)
ASSAM

3:MITALI BORA
(PROFESSOR). DEPTT. OF ORTHODONTICS
REGIONAL DENTAL COLLEGE
P.O. NARAKASUR
GHY-32
KAMRUP (M)
ASSAM

4:NORTH EAST COUNCIL
REP. BY THE SECRETARY
HAVING ITS HEAD OFFICE AT SHILLON

Advocate for the Petitioner : MR. S K GOSWAMI

Advocate for the Respondent : SC, HEALTH

**BEFORE
HONOURABLE MR. JUSTICE L.S. JAMIR**

ORDER

Date : 18-05-2018

Heard Mr. SK Goswami, learned counsel for the petitioner.

In this writ petition, the prayer of the petitioner is in two folds:-

The petitioner prays for receiving retrospective financial benefits, which was processed by the respondent authorities as early as in the year, 2015, which is also indicated in the communication dated 29.06.2015 (Annexure-XXII to the writ petition). The second prayer is not to change the nature and character of the Regional Dental College, Guwahati and also the service condition of the petitioner and further, not to attach the petitioner to any other Medical Colleges as the service conditions of the petitioner is separate.

On consideration of the matter, this Court is not inclined to pass an interim order at this stage inasmuch as the interim prayer is purely based on apprehensions and presumptions.

However, the prayer for interim is kept open and liberty is given to the petitioner to renew his prayer for interim at the appropriate time.

Issue notice, returnable within 6 (six) weeks.

Mr. D. Saikia, learned Sr. Additional Advocate General, Assam, assisted by Mr. BP Bora, learned standing counsel, Health and Family Welfare Department, appears on behalf of respondent Nos. 1 & 2. Hence, no formal notice need be issued on the respondent Nos. 1 & 2.

However, extra copies of the writ petition along with annexures appended thereto be furnished to the learned Sr. Additional Advocate General, Assam, during the course of the day itself.

Petitioner to take steps for service of notice on the respondent Nos. 3 & 4 by registered post with A/D within one week from today.

The respondents may file their respective affidavit in the meantime.

Pendency of this writ petition shall not be a bar for the respondents to consider the financial benefits, if found due to the petitioner.

List after 6 (six) weeks.

JUDGE

Comparing Assistant