

GAHC010097122026



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

Case No. : WP(C)/2894/2026

SRI BHABEN DEKA
SON OF LATE JADURAM DEKA, RESIDENT OF VILLAGE UPAHUPARA, P.O.
AND P.S. MANGALDAI, DISTRICT- DARRANG, ASSAM - 784125.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER SECRETARY, HEALTH AND
FAMILY WELFARE DEPARTMENT, DISPUR, GUWAHATI 781006.

2:THE MISSION DIRECTOR
NATIONAL HEALTH MISSION NHM
ASSAM
SAIKIA COMMERCIAL COMPLEX
SHREENAGAR
CHRISTIAN BASTI
GUWAHATI 781005

3:THE JOINT DIRECTOR OF HEALTH SERVICES CUM MEMBER
SECRETARY
DISTRICT HEALTH SOCIETY
DARRANG
ASSAM.

4:THE DISTRICT COMMISSIONER CUM CHAIRPERSON
DISTRICT HEALTH SOCIETY
DARRANG
ASSAM.

5:THE SUPERINTENDENT
MANGALDAI CIVIL HOSPITAL
DARRANG

ASSA

Advocate for the Petitioner : MR K K MAHANTA (Sr. Advocate), MR S GAUTAM, MS N BEGUM, MR. K M MAHANTA

Advocate for the Respondent : SC, HEALTH AND F W, SC, NHM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

05.06.2026

Heard Mr. K.K. Mahanta, learned Senior Counsel assisted by Ms. M. Kakati, learned counsel for the petitioner. Also heard Ms. A. Das, learned Standing Counsel, NHM for the respondents Nos. 2 and 3; Ms. S. Sarma, learned Standing Counsel, Health Department for the respondents Nos. 1 and 5; Ms. S. Baruah, learned Government Advocate for the respondent No.4.

2] The petitioner was working as a Block Accounts Manager in Mangaldai Civil Hospital under the NHM on a contractual basis. He had completed 15 years of service. In pursuance to an FIR lodged by the complainant the petitioner was arrested subsequently, he was released on bail and thereafter, by impugned order dated 18.07.2024 the petitioner was bared from service until further with effect from the date of his arrest.

3] It is submitted that no proceeding has been initiated, no show cause notice has been issued, no charge sheet has been filed in the criminal case against him and for the reasons best known to him the respondent authority has issued the impugned order debarring him from service until

further orders. Being aggrieved he has filed a representation dated 17.09.2024 which has also been kept pending. Being aggrieved the present writ petition has been filed.

4] Considering the submissions made, at this stage without issuing notice the Court permits the learned Standing Counsel, NHM to obtain her instructions as to why the impugned order dated 18.07.2024 was passed.

5] Let this instruction be placed before the Court on 15.06.2026.

6] Although notices are not issued, however, extra copies be furnished within the course of the day to the respective learned Standing Counsel to obtain their instructions.

7] Relist this matter again on 15.06.2026.

JUDGE

Comparing Assistant