

GAHC010104942024



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

Case No. : WP(C)/2762/2024

SUKANYA BORGOHAIN
D/O- SRI THANENDRA BORGOHAIN R/O-VILLAGE- JOYSAGAR,
GADADHAR NAGAR, POST OFFICE- JOYSAGAR, DISTRICT- SIVASAGAR,
ASSAM, PIN- 785665

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, JANATA BHAWAN, GUWAHATI-6

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 STATE LEVEL RECRUITMENT COMMISSION FOR CLASS-III POSTS
REPRESENTED BY ITS CHAIRMAN/SECRETARY
ASSAM ADMINISTRATIVE STAFF COLLEGE

JAWAHARNAGAR
KHANAPARA
GUWAHATI-22

6:THE DIRECTOR
EMPLOYMENT AND CRAFTSMEN TRAINING
ASSAM
REHABARI
GUWAHATI-08

7:THE JOINT DIRECTOR OF HEALTH SERVICES
SIVASAGAR
DISTRICT- SIVASAGAR
ASSAM
PIN- 785640

8:THE MEDICAL BOARD
REPRESENTED BY THE PRINCIPAL -CUM- CHIEF SUPERINTENDANT
GAUhati MEDICAL COLLEGE AND HOSPITAL
GUWAHATI-32
ASSA

Advocate for the Petitioner : MR. S K ROY

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE KARDAK ETE
ORDER

29.05.2024.

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

The challenge made in this writ petition is to re-assessment for benchmark disability of the petitioner for appointment to the post of Junior Assistant in Field Offices under the DECT (Employment Wing) under the Skill, Employment & Entrepreneurship Department, Govt. of Assam, whereby on re-assessment, the percentage of disability is shown to be 30.79. It is contended that the disability of the petitioner in fact is 40%. It is further contended that there is no provision

for re-assessment under the Act and the Rules, framed there under. As per the O.M. dated 21.05.2022, it provides for verification of the certificate only and not re-assessment.

Issue notice.

Mr. D. Bora, learned State Counsel appears for respondent Nos.1, 2 & 6, Mr. D. Upamanyu, learned Standing Counsel, Health and Family Welfare Department, is present for the respondent Nos. 4, 7 and 8, Mr. B. Choudhury, learned Standing Counsel, SLRC entered appearance for the respondent No. 5 and Mr. C. Sarma, learned counsel is present for the respondent No.3.

Since the respondents have entered their appearance through their respective engaged counsel, no formal notice needs to be served. However, requisite extra copies of the Writ petition be furnished to the learned counsel for the respondents during the course of day.

Considering the submission of learned counsel for the petitioner that there is no provision for re-assessment of the benchmark disability and it only provides for verification of the certificate, it is provided that till the returnable date, one post may not be filled up.

It is made clear that whether the Act and Rules or the O.M. requires re-assessment or only verification of certificate, shall be determined at appropriate stage in this proceeding.

List the matter on 14.06.2024, along with WP(C) No.2578/2024.

JUDGE

Comparing Assistant