

GAHC010115142025



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

Case No. : WA/211/2025

KAMOLESH DAS AND 3 ORS.
SON OF PRNOBESH SHIL, RESIDENT OF GAURIPUR, WARD NO. 2, P.O
AND P.S- GAURIPUR, DISTRICT- DHUBRI, ASSAM, PIN-783331.

2: SHAHAJAHAN RAHMAN
S/O AFIZUR RAHMAN
VILL. CHAGALCHARA PT-III
P.S. DHUBRI
DIST. DHUBRI
ASSAM
PIN 783331

3: MOBASHIR ALOM
S/O TAZUDDIN AHMED
R/O BIDYAPARA PT-2
COLLEGE ROAD
P.S. DHUBRI
DIST. DHUBRI
ASSAM
PIN 783301

4: AMINUR RAHMAN PRADHANI
S/O ACHIM UDDIN PRADHANI
VILL. DEBOTTAR HASDOHA PT-6
PIN 78333

VERSUS

THE UNION OF INDIA AND 9 ORS.

TO BE REPRESENTED BY THE SECRETARY GOVT. OF INDIA, MINISTRY OF
HEALTH AND FAMILY WELFARE, NIRMAN BHAWAN, NEW DELHI-110011.

2:THE DIRECTOR GENERAL (PH)
DIRECTORATE OF HEALTH SERVICES GOVT. OF INDIA
NIRMAN BHAWAN
NEW DELHI 110011

3:DEPUTY DIRECTOR (ADMINISTRATION)
DIRECTORATE GENERAL OF HEALTH SERVICES GOVT. OF INDIA
NIRMAN BHAWAN NEW DELHI 110011

4:THE STATE OF ASSAM
REPRESENTED BY COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE DEPTT.
DISPUR
GUWAHATI 781006

5:THE JOINT SECY. TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE DEPTT.
DISPUR
GUWAHATI 06

6:DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI 36

7:THE DEPUTY COMMISSIONER
DHUBRI
P.O. AND DIST. DHUBRI
ASSAM
PIN 783301

8:JOINT DIRECTOR OF HEALTH SERVICES CUM MEMBER SECY.
DIST. HEALTH SOCIETY
DHUBRI DIST.
P.O. AND DIST. DHUBRI
ASSAM
PIN 783301

9:THE SUPERINTENDENT
DHUBRI CIVIL HOSPITAL
DHUBRI
DIST. DHUBRI (ASSAM)
PIN 783324

10:HOSPITAL MANAGEMENT SOCIETY
DHUBRI CIVIL HOSPITAL REPRESENTED BY ITS CHAIRMAN CUM
DEPUTY COMMISSIONER
DHUBRI
P.O. AND DIST. DHUBRI
ASSAM
PIN 78330

Advocate for the Petitioner : MR. A Z AHMED, MR. A KHALEK

Advocate for the Respondent : MRS. R DEVI(C.G.C), GA, ASSAM,SC, HEALTH AND F W

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : 08-08-2025
(Nelson Sailo, J)

Heard Mr. HRA Choudhury, learned senior counsel assisted by Mr. AZ Ahmed, learned counsel for the appellants, who submits that being aggrieved with the judgment and order dated 28.02.2025 passed in WP(C) 661/2020, the appellants have filed the instant appeal. It is seen that the learned Single Judge, vide the impugned judgment and order dismissed the writ petition. Having regard to the grounds taken by the appellants, the matter will have to be heard on merits.

At this stage, Mr. DP Borah, learned Standing Counsel, Health Department

submits that in the writ petition, the respondents/Health Department has filed their counter-affidavits and therefore, reliance will be placed on the same even in the instant appeal.

Since this is not a regular Bench, let this matter be listed again after a week, on a date to be fixed by the Registry.

J U D G E

J U D G E

Comparing Assistant