

GAHC010119942026



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

Case No. : WP(C)/3162/2026

CHANDRIMA DAS
W/O- SHRI HARPRIT SINGH ARORA, RESIDENT OF FLAT NO. E-3C, LAXMI
PATH, BELTOLA, GUWAHATI- 26, P.O.- BELTOLA, P.S.-BASHISTHA,
DISTRICT- KAMRUP METRO, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HEALTH AND FAMILY WELFARE
DEPARTMENT, ASSAM, DISPUR, GUWAHATI- 6.

2:THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI- 36.

3:THE JOINT DIRECTOR OF HEALTH SERVICES
ASSAM
GUWAHATI- 6.

4:DISTRICT MALARIA OFFICE
KAMRUP UNDER THE JURISDICTION OF JOINT DIRECTOR OF HEALTH
SERVICES

Advocate for the Petitioner : MR S P DAS, MR. ANGSHUMAN DEKA,MS. S BAISHYA

Advocate for the Respondent : GA, ASSAM, SC, HEALTH

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

15.06.2026

Heard Mr. S.P. Das, learned counsel for the petitioner. Also heard Mr. D.P. Borah, learned Standing Counsel, Health Department.

2] This writ petition is filed by the petitioner challenging the impugned order dated 09.06.2026 whereby the prayer of the writ petitioner against her reversion to the post of Basic Health Worker (BHW) from the post of Statistical Assistant was rejected. The petitioner had earlier approached this Court by filing WP(C) No. 1413/2017.

3] It is the submission of the learned counsel for the petitioner that in the earlier writ petition the challenge was also made to the order of reversion to the Basic Health Worker (BHW) by the respondent authorities. This Court by order dated 25.11.2022 disposed of the writ petition directing the respondent authorities to examine the medical condition of the writ petitioner and if she is unable to perform any field work for which she is appointed, then the respondent authorities may take appropriate decision relating to an employee who becomes medically unfit to continue in the service.

4] It is the submission of the learned counsel for the petitioner that against the order of reversion, a writ petition being WP(C) No.7879/2016 was filed by similarly situated employees, which came to be dismissed and against that order a writ appeal was filed being Writ Appeal No.125/2021, which also came to be dismissed. Being aggrieved the petitioners/appellants therein preferred a SLP

before the Hon'ble Supreme Court being SLP(C) No.14658 of 2024. The Supreme Court also dismissed the SLP upholding the order of the Gauhati High Court.

5] The learned counsel for the petitioner submits that he was not a party in that writ petition being WP(C) No.7879/2016 and also the writ appeal being W.A. No. 125 of 2021. However, the directions contained in the order dated 25.11.2022 passed in the earlier writ petition filed by the petitioner being WP(C) No.1413 of 2017 has not been considered.

6] Mr. D. P. Borah, learning Standing Counsel, Health submits that at this stage he has no instructions but from impugned order dated 09.06.2026, it is clear that the claims of similarly situated persons regarding the reversion made from Statistical Clerk to Basic Health Worker (BHW), which was challenged before this Court was dismissed and the matter proceeded to the Supreme Court which upheld the orders passed by the Writ Appeal Court. Thereafter, the claims of the writ petitioner were already examined as have been reflected in the speaking order and her prayer has been rejected. There is no infirmity in the prayer made.

7] Having heard the learned counsel for the parties, it is seen that by order dated 25.11.2022, the writ petition preferred by the writ petitioner earlier being WP(C) No. 1413 of 2017 stood disposed of by the following order:

“Heard Mr. S.P. Das, learned counsel for the petitioner and Mr. B. Gogoi, learned counsel for the respondents No. 1 to 4 being the authorities in the Health Department. Also heard Mr. R. Dhar, learned counsel for the respondent No. 5, being the authority in the Personnel Department.

2. The petitioner was appointed as a Basic Health Worker under the National Vector Borne Disease Control Society (NVBDCP), Assam temporarily in the scale of pay of Rs. 2890-5725/- per month plus other allowances as admissible under the rules. The order also

provides that the petitioner would be subjected to the New Pension Rule as per the letter dated 25.01.2005 of the Finance Department of the Government of Assam. In course of her services, the petitioner had made an application dated 06.12.2012 to the Director of Health Services, Assam that after her appointment, she had been suffering from ANE+SKE+ a Renal Arthritis problem and further that she had undergone partial discectomy surgery of L4 and L5 of her back bone and was under the process of rehabilitation. The petitioner also stated that she was suffering from hyper tension and was very weak to perform her duties which are in the nature of a field work. Accordingly, a request was made to transfer her to any other office as an Assistant. Consequent thereof, by the order dated 06.12.2012 of the Director of Health Services, Assam, the petitioner was placed as a Statistical Assistant under the disposal of Joint Director of Health Services (TB), Assam. Later on by the order impugned dated 20.02.2017 of the Director of Health Services, Assam, the petitioner was reverted back as a Surveillance Worker/Basic Health Worker.

3. It is the stand of the respondents in the Health Department that the post of LDA, Statistical Assistant, Store Keeper are posts which require their own eligibility and have their own procedure as to how such posts are to be filled up and that the petitioner does not meet such criteria. We are not expressing any view on the reasoning nor we are interfering with the order dated 20.02.2017 by which the petitioner was reverted back. But we take note of the representation dated 06.12.2012 by which the petitioner raised issues of certain serious medical condition which prevents her from performing any field work and the nature of the work for which the petitioner was engaged is stated to be only field work. The appropriate cause of action for the respondents, in our view, would have been to subject the petitioner to an appropriate medical board and get her examined as to whether her medical condition is such that she is unable to perform any field work for which she was appointed. If the medical report is against the petitioner, the representation of the petitioner can be rejected but if the medical report is in the favour of the petitioner, the respondents may take a decision by applying the law relating to an employee who becomes medically unfit to continue in service after being appointed and take appropriate action.

Writ petition stands disposed of as indicated above.”

8] The learned counsel for the petitioner submits that there was a challenge made to the reversion order passed by the Joint Director, Health Service in the present writ petition. However, from proposal of the order, it is seen that there is no finding by the Court with regard to the order as to whether such order should be sustained or interfered with. On the contrary, taking into account the health condition projected by the writ petitioner, direction was issued and the petitioner be examined by the department and if the medical report of the petitioner is found to be in her favour, then the respondents may take a decision by applying the law relating to an employee who becomes medically unfit to

continue service after being appointed and take appropriate action.

9] The impugned order dated 09.06.2026 reflects that the case of the petitioner stood rejected in view of the judgment & order dated 09.03.2021 passed in WP(C) No. 7879 of 2016, judgment & order dated 03.05.2024 passed in WA No.125 of 2021 and the order dated 19.07.2024 passed in SLP(C) No.14658/2024 by the Apex Court. None of these orders are enclosed to the present writ petition.

10] In absence of any of these orders being enclosed to the writ petition, it is not clear as to the findings of the Court with regard to the challenges made by the petitioner therein, which the writ petitioner claims that she is similarly situated person. Insofar as the direction of the Court is concerned in terms of the order dated 25.11.2022 passed in WP(C) No.1413 of 2017, whether that order could have been implemented in the face of the judgment & order passed by this Court as well as the orders passed by the Supreme Court, which will require examination. However, in the absence of the orders being enclosed to the present writ petition and the lack of materials placed before the Court, no such finding can be arrived at by this Court. In such view of the matter, this Court does not find any merit in the claims of the writ petitioner. Accordingly, this writ petition stands dismissed.

11] No order as to cost.

JUDGE

Comparing Assistant