

GAHC010120982015



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

Case No. : WP(C)/5610/2015

ASSAM HOMOEOPATHIC MEDICAL SERVICE ASSOCIATION and ANR
HAVING ITS WORKING OFFICE AT HOUSE NO. 27, ANANDA NAGAR PATH,
SIXMILE, KHANAPARA, P.O.- KHANAPARA, GUWAHATI, DIST.- KAMRUP,
REP. BY ITS GENERAL SECY., DR. DEBAJIT RAJKONWAR.

2: DR. DEBAJIT RAJKONWAR

GENERAL SECY.

ASSAM HOMEOPATHIC MEDICAL SERVICE ASSOCIATION

HOUSE NO. 27

ANANDA NAGAR PATH

SIXMILE

KHANAPARA

P.O.- KHANAPARA

GUWAHATI

DIST.- KAMRUP

ASSAM

VERSUS

THE STATE OF ASSAM and 9 ORS

REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,

HEALTH AND FAMILY WELFARE DEPTT., DISPUR, GHY- 6, ASSAM.

2:COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM

HEALTH AND FAMILY WELFARE DEPTT.

DISPUR

GHY- 6

ASSAM.

3:THE JOINT SECY. TO THE GOVT. OF ASSAM

HEALTH AND FAMILY WELFARE DEPTT.

DISPUR

GHY- 6

ASSAM.

4:UNDER SECY. TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE A DEPTT.
DISPUR
GHY- 6
ASSAM.

5:THE DIRECTOR OF AYUSH
HOUSE NO. 1
BANPHUL NAGAR PATH
BASISTHA ROAD
DISPUR
GHY- 6
ASSAM.

6:DIRECTOR OF HEALTH SERVICES
ASSAM
DISPUR
GHY- 6
ASSAM.

7:THE CHIEF SECY. TO THE GOVT. OF ASSAM
DISPUR
GHY- 6
ASSAM.

8:THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY- 6
ASSAM.

9:THE UNDER SECY. TO THE GOVT. OF ASSAM
FINANCE PRU DEPTT.
DISPUR
GHY- 6
ASSAM.

10:UNDER SECRETARY TO THE GOVT. OF ASSAM

HEALTH AND FAMILY WELFARE B DEPARTMENT
DISPUR
GUWAHATI-6
ASSAM

For the petitioner (s) : Mr. A. Chakraborty, Advocate

For the respondent (s) : Mr. B. Gogoi, AAG

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

06.01.2026

Heard Mr. A. Chakraborty, the learned counsel appearing on behalf of the petitioners and Mr. B. Gogoi, the learned Additional Advocate General appearing on behalf of the respondents.

2. The petitioners herein are Medical Officers (Homeo), both degree and diploma holders. The grievance of the petitioners herein is that inspite of the recommendations made by the Sixth Pay Commission that the pay of Medical Officer (Homeo) should be at parity with Medical Officer (Ayurvedic) and Medical Officer (Allopathic), the petitioners have not been granted the benefits.

3. The learned counsel appearing on behalf of the petitioners submitted that though in the recommendation, it is mentioned that a Medical Officer (Homeo) who is a diploma holder would be placed at Pay Band-3, but by the notification dated 19.07.2011 issued under the name of the Governor of Assam by the Health and Family Welfare Department of the Government of Assam, the diploma holders who have been conferred diploma by an

authorized institution with four years study course (excluding the period of internship/housemanship) is equated with the degree holders by any authorized institution for the purpose of pay parity.

4. This Court has also taken note of the affidavits which have been filed by both the Health and Family Welfare Department of the Government of Assam as well as the Finance Department of the Government of Assam. From both the affidavits, it transpires that the Health and Family Welfare Department has equated the degree holders with that of the diploma holders and has also submitted proposals to the Finance Department in terms with Clause 1.59 of the recommendation of the Sixth Pay Commission so that the Medical Officer (Homeo), both diploma and degree holders should have pay parity with Medical Officer (Allopathic). On the other hand, in the affidavit which has been filed by the Finance Department, it has been mentioned that the Finance Department has not rejected the proposals, but has returned back seeking further additional information.

5. It is disheartening to take note that the present writ petition is pending for the last one decade on this issue and it is high time that both the Finance Department as well as the Health and Family Welfare Department should pull up their socks so that the recommendation so made can be given effect to, more so when

the Governor of Assam in exercise of his executive powers conferred by the Constitution had issued the notification dated 19.07.2011.

6. List this matter on 21.01.2026 at 2:00 PM for an update.

JUDGE

Comparing Assistant