

GAHC010122392023



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

Case No. : WP(C)/3286/2023

MRIDUL HAZARIKA AND 3 ORS.

S/O- MR. JOGEN HAZARIKA, VILLAGE NO.2 PITHAGURI, P.O. PITHAGURI,
P.S. BIHPURIA, DIST.- LAKHIMPUR, ASSAM, PIN- 784163

2: MD. NASIOR RAHMAN

S/O- MD. ASHOK ALI

VILL- MOURIPAM P.O. MANDIA

P.S. BARBHAG

DIST.- BARPETA

ASSAM

PIN- 781308

3: MRINAL MEDHI

S/O- LATE NARAYAN MEDHI

R/O- KUNDILNAGAR

BASISTHA CHARIALI

P.O. BASISTHA

DIST.- KAMRUP (M)

ASSAM

GHY-29

4: ZAKIR HUSSAIN

S/O- LATE NURUL ISLAM

VILL- GHILAZARI

P.O. GHILAZARI

P.S. HOWLY

DIST.- BARPETA

ASSAM

PIN- 78131

VERSUS

THE STATE OF ASSAM AND 8 ORS.

REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, HEALTH AND

FAMILY WELFARE DEPTT., DISPUR, GHY-06

2:THE DIRECTOR
HEALTH SERVICE
HENGARABARI
GHY-5

3:THE DIRECTOR OF MEDICAL EDUCATION
ASSAM
SIXMILE
KHANAPARA
GUWAHATI
KAMRUP (M)
ASSAM
GHY-06

4:THE PRINCIPAL-CUM-CHIEF SUPERINTENDENT
TEZPUR MEDICAL COLLEGE AND HOSPITAL
TEZPUR
ASSAM
PIN- 784153

5:MRINAL KR. SARMA
SELECTED FOR THE POST OF LABORATORY TECHNICIAN
TEZPUR MEDICAL COLLEGE AND HOSPITAL VIDE NOTICE PUBLISHED
ON 31.05.2023 IN THE ASOMIYA PRATIDIN
AN ASSAMESE DAILY
BY THE PRINCIPAL-CUM-CHIEF SUPERINTENDENT
TEZPUR MEDICAL COLLEGE AND HOSPITAL
TEZPUR
ASSAM C/O- PRINCIPAL-CUM-CHIEF SUPERINTENDENT
TEZPUR MEDICAL COLLEGE AND HOSPITAL
TEZPUR
ASSAM
PIN- 784153

6:JOGAMAYA HAZARIKA
SELECTED FOR THE POST OF LABORATORY TECHNICIAN
TEZPUR MEDICAL COLLEGE AND HOSPITAL VIDE NOTICE PUBLISHED
ON 31.05.2023 IN THE ASOMIYA PRATIDIN
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TEZPUR MEDICAL COLLEGE AND HOSPITAL
TEZPUR
ASSAM C/O- PRINCIPAL-CUM-CHIEF SUPERINTENDENT
TEZPUR MEDICAL COLLEGE AND HOSPITAL
TEZPUR
ASSAM

PIN- 784153

7:KHAGEN BARMAN
SELECTED FOR THE POST OF LABORATORY TECHNICIAN
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ASSAM C/O- PRINCIPAL-CUM-CHIEF SUPERINTENDENT
TEZPUR MEDICAL COLLEGE AND HOSPITAL
TEZPUR
ASSAM
PIN- 784153

8:KABITA BORA
SELECTED FOR THE POST OF LABORATORY TECHNICIAN
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ASSAM C/O- PRINCIPAL-CUM-CHIEF SUPERINTENDENT
TEZPUR MEDICAL COLLEGE AND HOSPITAL
TEZPUR
ASSAM
PIN- 784153

9:SAMARJIT ROY
SELECTED FOR THE POST OF LABORATORY TECHNICIAN
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TEZPUR MEDICAL COLLEGE AND HOSPITAL
TEZPUR
ASSAM C/O- PRINCIPAL-CUM-CHIEF SUPERINTENDENT
TEZPUR MEDICAL COLLEGE AND HOSPITAL
TEZPUR
ASSAM
PIN- 78415

Advocate for the Petitioner : MR. I H LASKAR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

07.06.2023.

Heard Mr. K. N. Choudhury, learned Senior Counsel assisted by Mr. P. K. Deka, learned counsel for the petitioners. Also heard Mr. B. Gogoi, learned Standing Counsel for the Health and Family Welfare Department, Government of Assam.

The present writ petition is filed assailing the selection of private respondent Nos. 5, 6, 7, 8 and 9 to the post of Laboratory Technician at Tezpur Medical College & Hospital on the ground that the petitioners have been discriminated by not giving required weightage to them and that the selected candidates are less meritorious than the petitioners.

Issue notice returnable on 23.06.2023.

As Mr. B. Gogoi, learned Standing Counsel for the Health and Family Welfare Department, Government of Assam accepts notice on behalf of the respondent Nos. 1, 2, 3 and 4, no formal notice need be issued to them. However, extra copies of the writ petition be served to Mr. Gogoi, learned Standing Counsel.

The petitioners to take steps for issuance of notice upon the private respondent Nos. 5, 6, 7, 8 and 9 by way of registered post with A/D within a period of 10 (ten) days from today. The petitioners are also permitted to serve notice upon the private respondent Nos. 5, 6, 7, 8 and 9 through respondent

No. 4 by furnishing the copy of the writ petition along with an order passed today. After effecting such service, an affidavit be filed by the petitioners in proof thereof and the respondent No. 4 shall serve the copies upon the private respondent Nos. 5, 6, 7, 8 and 9 and also file an affidavit stating in what manner he/she has served the notices upon them.

It is needless to say that the appointment of the private respondent Nos. 5, 6, 7, 8 and 9 shall be subject to outcome of this writ petition.

List this matter on 23.06.2023.

JUDGE

Comparing Assistant