

GAHC010122572025



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

Case No. : WP(C)/3288/2025

ALL ASSAM A.N.M. AND L.H.S. SERVICE ASSOCIATION AND ANR
A REGISTERED ORGANIZATION HAVING ITS OFFICE AT GOPAL NAGAR,
NOONMATI, GUWAHATI-781020, DIST- KAMRUP METRO, ASSAM,
REPRESENTED BY ITS PRESIDENT SMT. NILU GOGOI.

2: SMT. BULUMA SAIKIA
W/O- SRI AMARENDRA KALITA
R/O- GOPAL NAGAR
NOONMATI
GUWAHATI-20
DIST. KAMRUP METRO
ASSAM
GENERAL SECRETARY
ALL ASSAM A.N.M. AND L.H.S. SERVICE ASSOCIATION

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HEALTH AND FAMILY WELFARE
DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI.

3:THE DIRECTOR OF HEALTH SERVICES (FW)
ASSAM
HENGRABARI
GUWAHATI

Advocate for the Petitioner : MR. M NATH, MAUSAM NATH,MR. A BHATTACHARJEE

Advocate for the Respondent : SC, HEALTH,

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

16.12.2025

Mr. M. Nath, learned Senior counsel assisted by Mr. A Bhattacharyaa, learned counsel for the petitioners. Also heard Mr. R Singha, learned counsel for the private respondents and Ms. D Borah, learned Standing Counsel, Health.

2. This writ petition has been filed putting to challenge the following prayers:

”(i) Setting aside and quashing the Provisional Gradation Lists of the Ward Sister/Ward in-charge/Nursing Sister/O.T. Sister and Sister Tutor/PHN (Annexures-2 & 3)

(ii) direct the respondent authorities to prepare a common Gradation List for Ward Sister/Ward in-Charge/ Nursing Sister/ O.T. Sister/ Sister Tutor/ PHN therein including the 26 nos. of PHN who are members of the petitioner association;

(iii) directing the respondent authorities not to make promotion on the basis of the Gradation Lists of the Ward Sister/ Ward in-charge/Nursing Sister/ O.T Sister and for Sister Tutor/PHN wherein the names of the members of the petitioner No. 1 Association have not be included;

And after such cause or causes being shown and perusal of records and after hearing the parties further be pleased to make the rule absolute;

And be pleased to

(i) set aside and quash the Provisional Gradation Lists of the Ward Sister/ Ward in-Charge/ Nursing Sister/ O.T. Sister and Sister Tutor/ PHN (Annexures-2 & 3);

(ii) direct the respondent authorities to prepare a common Gradation List for Ward Sister/ Ward in-charge/ Nursing Sister/ O.T. Sister/ Sister Tutor/ PHN therein including the 26 nos. of PHN who are members of the petitioner association;

(iii) direct the respondent authorities not to make promotion on the basis of the Gradation Lists of the Ward Sister/ Ward in-charge/ Nursing Sister/ O.T. Sister and for Sister Tutor/ PHN wherein the names of the members of the petitioner No. 1 Association have not be included;

And/or pass such further order or orders as your Lordships may deem fit and proper under the facts and circumstances of the case."

3. Upon hearing the learned counsel parties, this Court while issuing notice by order dated 25.07.2025 issued the following interim order:

"The respondents will not proceed to give effect to any promotions from the separate provisional lists stated to have been published for Ward Sister/ Ward In-Charge/ Nursing Sister/ O.T. Sister and from the provisional list of Sister Tutor/PHN.

No Promotion to the next higher posts from those provisional seniority lists will be effected till the next returnable date."

4. The interlocutory application No. 2790/2025 has been filed by the private respondents who stood impleaded by order dated 27.08.2025.

5. It is the case of the applicant in the I.A(Civil) No.2790/2025 that the claim made in the writ petitioner is non-existent inasmuch as these separate provisional lists of Ward Sister/ Ward In-charge/Nursing Sister/ O.T. Sister and Sister Tutorial/ PHN were already withdrawn by order dated 19.12.2024. Therefore, the very premise on which the writ petition was filed and the interim order was obtained was non-existent.

6. It is the further submission of the applicant in I.A(C) No. 3068/2025 that pursuant to the cancellation of the separate provisional seniority list, composite final seniority list was published and which is under challenge in W.P(C) No. 6016/2025. Therefore, at this stage, since there can be no basis for the claim for the writ petitioners in W.P(C) No. 3288/2025 for urging their grievances before this Court. The interim order dated 25.07.2025 therefore, should be vacated and the writ petition should be dismissed as infructuous.

7. Ms. D Borah, learned Standing Counsel, Health also support the contentions made by the learned counsel appearing for the private respondents in W.P(C) No. 3288/2025 and the applicants in I.A(Civil) No. 3068/2025.

8. Mr. M. Nath, learned Senior counsel assisted by Mr. A Bhattacharyaa, learned counsel for the petitioners submits that at the time when the writ petition was filed, he was instructed that separate provisional gradation list was published and an apprehension was expressed that process for promotion was initiated on such provisional list which according to the writ petitioners is contrary to the Rules governing the services of the Writ petitioners and other similarly situated persons who come under the purview of the Assam Nursing Service Rules, 1991. He however, submits that at this stage, their claims are restricted to the prayers made in W.P(C) No. 6016/2025.

9. Accordingly, as the Final Gradation list published did not include the names of the writ petitioner and which is assailed in W.P.(C) No. 6016/2025, the instant writ petition stands dismissed as infructuous. Interim order dated 25.07.2025 stands vacated.

10. Interlocutory application being I.A(Civil) No. 3068/2025 is also disposed of in terms of the above.

JUDGE

Comparing Assistant