

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

25.07.2025

Heard Mr. M. Nath, learned Senior Counsel assisted by Mr. A. Bhattacharyaa, learned counsel for the petitioner.

The petitioner No.1 is the All Assam A.N.M. & L.H.S. Service Association and the petitioner No.2 is the General Secretary of All Assam A.N.M. & L.H.S. Service Association. The association is looks after the interests of all the nursing staff and the members. The members of the association were initially appointed as A.N.M. and after undergoing special training program they were promoted to the post of LHS/LHV and further in the post of PHN (Public Health Nurse). The petitioners are aggrieved that contrary to the provision of Rule 22 of the Assam Nursing Service Rules, 1991, separate provisional gradation lists have been prepared by the department and they apprehend that there is a move to issue separate final gradation list for which one provisional list is prepared for Ward Sister/Ward In-Charge/Nursing Sister/O.T. Sister whereas another gradation list is prepared for Sister Tutor/PHN.

The learned Senior Counsel for the petitioners submits that the rules, more particularly in 2022 mandates combined seniority list. The petitioners have ventilated the grievances by filing necessary representations, which to the knowledge of the petitioners has not been answered or disposed of. Being

aggrieved the writ petition is filed as the petitioners apprehend that the promotion to the next higher post in the cadre, which may be filled up by selecting candidates separately.

The learned Senior Counsel for the petitioner submits that the respondents be directed to consolidate the seniority list and publish the same and thereafter take steps for promotion to the next higher post and till such time the respondents will appraise the Court of the status and consider appropriate interim protection.

Ms. D. Borah, learned Standing Counsel, Health Department represents all the respondents. At this stage she submits that she would like to complete her instructions in the matter.

It is seen that the Assam Nursing Service Rules, 1991 clearly provide at Rule 22 that there shall be a gradation list containing names of all members of service in the order of seniority, stating the cadre and such other particulars as the date of birth, date of appointment, caste, etc. Rule 3 defines the class and cadre. Class III includes Public Health Nurses Tutors/ Public Health Nurses. The gradation lists which are referred to in the writ petition, although provisional, do not reflect the dates on which they were published.

Under such circumstances, this Court is of the view that let notices be issued returnable on 27.08.2025.

Since Ms. D. Borah, learned Standing Counsel, Health Department

represents all the respondents, notices are waived. Extra copies be furnished to the learned counsel for the respondents within a period of one week from today.

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.

Matter be listed again on 27.08.2025.

Issue notice on interim stay returnable on 27.08.2025.

JUDGE

Comparing Assistant