

GAHC010137752018



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

Case No. : WP(C) 4280/2018

1:SADIKUL ALOM LASKAR
S/O- LUKMAN UDDIN LASKAR, VILL- KHADIMAN, P.O- BADARPUR GHAT,
DIST- KARIMGANJ, ASSAM, PIN- 788803

VERSUS

1:THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
HEALTH AND FAMILY WELFARE(A), DEPTT, DISPUR, GHY- 06

2:THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI- 781036
CUM CHAIRMAN
SELECTION COMMITTEE OF GRADE IV
WARD BOY
NIGHT CHOWKIDAR
ETC
HEALTH SERVICES
ASSAM

3:THE JOINT DIRECTOR OF HEALTH SERVICES
KARIMGANJ
P.O AND DIST- KARIMGANJ
ASSAM
PIN- 78871

Advocate for the Petitioner : MR. A CHOUDHURY

Advocate for the Respondent : SC, HEALTH

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 25-06-2018

Heard Mr. A. Choudhury, learned counsel for the petitioner as well as Mr. B. Gogoi, learned Standing Counsel Health Department, appearing for the respondents.

By this writ petition under Article 226 of the Constitution of India, the petitioner has challenged the select list vide notice No. HSE/APPTT./52/2018/3936 dated 17.05.2018, on the ground that the employment advertisement contained the provision for 3 % reservation of vacancies on the physically disabled persons but in the said select list, the reservation for the said disabled persons is not reflected.

Opposing any interim relief at this stage, the learned Standing Counsel for the Health Department submits that the reservation for 3% for physically handicapped persons is a horizontal reservation and, therefore, the said benefit goes to all categories of persons whether he is UR or OBC or SC or ST etc., and therefore, he may be permitted to produce the necessary instructions on 09.07.2018 , in view of the fact that the courts will be Summer Vacation upto the said date. It is further submitted that separate reservations are not reflected in the select list.

In view of the submissions made by the learned Standing Counsel for the Health Department, this Court is inclined to issue notice returnable on 09.07.2018.

The appellant shall serve extra copy of the writ petition to the learned Standing Counsel Health Department by tomorrow. The prayer for interim relief shall be considered on 09.07.2018.

The learned counsel for the petitioner submits that as per the select list, 8 posts are still vacant and therefore, at least one of such person may be yet subject to the outcome of the writ petition. The said prayer shall be considered on the next date fixed.

List the matter on 09.07.2018.

JUDGE

Comparing Assistant