

GAHC010142122025



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

Case No. : WP(C)/3677/2025

DHIREN CHANDRA DAS
S/O- SANTA RAM DAS,
R/O- HENGRABARI, BORBARI, H.NO-45, USHA NAGAR, PRAGATI PATH,
P.O- HENGRABARI, P.S- DISPUR, DIST- KAMRUP METRO, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 OTHERS
REP BY THE SPECIAL SECRETARY TO THE GOVT OF ASSAM, PUBLIC
HEALTH ENGINEERING DEPARTMENT, GUWAHATI, ASSAM

2:THE SECRETARY
TO THE GOVT OF ASSAM
PUBLIC HEALTH ENGINEERING DEPARTMENT
GUWAHATI-06
ASSAM

3:THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPTT.

HENGRABARI
ASSAM
GHY-781036.

4:THE SUPERINTENDING ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
QUALITY CONTROL CIRCLE
GUWAHATI
KAMRUP(M)
ASSAM

5:THE EXECUTIVE ENGINEER

PUBLIC HEALTH ENGINEERING DEPARTMENT
GUWAHATI DIVISION NO-1
GUWAHATI-21
KAMRUP(M)
ASSAM

6:NABA KUMAR MEDHI
SR. ASSISTANT

O/O THE CHIEF ENGINEER
PHE
WATER
ASSAM
HENGRABARI
GUWAHATI-3

Advocate for the Petitioner : MR. J I BORBHUIYA, MR. L MOHAN, MR. K H CHOUDHURY

Advocate for the Respondent : SC, P H E,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

27-06-2025

Heard Mr. L. Mohan, learned counsel for the petitioner.

The petitioner is aggrieved by the impugned proposal dated 06.03.2025 for transfer of the post of Head Assistant from the Office of the Superintending Engineer, PHE, Quality Control Circle, Guwahati, Assam to the office of the Chief Engineer, Public Health, Water Assam as Superintendent. It is submitted that the entire proposal for shifting of the post of Head Assistant in the Office of the Chief Engineer (PHE) Water, Assam and to rename it as Superintendent in the said Office is only to accommodate the respondent no.6 in that post.

It is submitted that if that proposal is permitted to be given effect to then the petitioner and the other similarly situated candidates, who are otherwise qualified for selection and appointment to the post of Head Assistant in their respective circle or in the Office of the Superintending Engineer, PHE, Quality Control Circle, Guwahati, Assam will be deprived.

It is further submitted that the minutes of the Selection Committee made for filling up the second vacant post of Head Assistant in the Office of the Superintending Engineer PHE, Quality Control Circle, Guwahati, Assam has unanimously decided to fill up the post with the respondent no.6. However, a copy of the minutes enclosed as Annexure-9 of the writ petition reflects that the said respondent no.6 himself is a member of the said selection committee.

Under such circumstances, learned counsel for the petitioner submits that the proposal for shifting and renaming the post of the Head Assistant from the Office of the Superintending Engineer PHE, Quality Control Circle, Guwahati, Assam to the office of the Chief Engineer (PHE) Water, Assam is only to accommodate the respondent o.6.

Issue Notice, returnable by 4 (four) weeks.

Since Mr. I. Borthakur, learned Standing Counsel, PHE appears for the respondents no. 1, 3, 4 & 5, notices are waived. However, extra copies be

furnished to him during the course of the day.

Learned counsel for the petitioner shall take steps for service of notice upon the respondent no.6 by registered post wit A/D as well as by usual course within 10 (ten) days from today.

It is made clear that the respondents will not proceed to transfer the post of Head Assistant from the Office of the Superintending Engineer (PHE), Quality Control Circle, Bamunimoidan, Guwahati to the Chief Engineer, PHE Water, Assam in view of the impugned proposal order dated 06.03.2025 without the leave of the Court.

Mr. I Borthakur, learned Standing Counsel, PHE submits that similar matter being WP(C) No.5473/2024 is also pending and the same also be listed together.

Accordingly, list the matter on 28.07.2025 along with WP(C) No.5473/2024.

JUDGE

Comparing Assistant