

GAHC010152092025



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

Case No. : WP(C)/3986/2025

SMTI SEWALI DEVI
W/O- SRI LOKENDRA CH. NATH, R/O- VILL-COLLEGE NAGAR,
UPAHUPARA, P.O. -MANGALDOI, P.S.- MANGALDOI, DISTRICT- DARRANG,
ASSAM-784125

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HEALTH AND FAMILY WELFARE
DEPARTMENT, DISPUR, GUWAHATI-06

2:THEE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI-36

3:THE JOINT DIRECTOR OF HEALTH SERVICES
DARRANG
MANGALDOI
DIST- DARRANG
ASSAM-784125

4:THE JOINT DIRECTOR OF HEALTH SERVICES
DIBRUGARH
DIST- DIBRUGARH
ASSAM-786002

5:SMTI KRISHANA HANDIQUE
DEPUTY NURSING SUPERINTENDENT
FAKARUDDIN AHMED ALI MEDICAL COLLEGE AND HOSPITAL
BARPETA

ASSAM-78130

Advocate for the Petitioner : MR. R DE, MS. D PATHAK

Advocate for the Respondent : SC, HEALTH,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

23-07-2025

Hard Mr. MK Choudhury, learned Senior Counsel assisted by Mr. R. De, learned counsel for the petitioner.

The petitioner is a qualified nurse and is an employee under the Directorate of Health Service and has been rendering her service in her place of posting. The petitioner presently is serving as Vice Principal of GNM Training School, Darrang, Mangaldai. The respondent authorities by order dated 25.06.2025 passed an order as per the recommendation of the promotion committee temporarily promoting the various nursing personnel serving as Assistant Matron/ Assistant Nursing Superintendent/ Deputy Nursing Superintendent/ Assistant Deputy Nursing Superintendent/ Head Nurse (Critical care)/Vice Principal. The petitioner was one of the nursing personnel whose name appeared in the order No. NS/EMP/25/pt-111/2000/278 dated 25.06.2025, whereby she was promoted to the post of Principal Tutor in Mangaldoi CH, Darrang and posted as principal of the said school, whereas the private respondent no.5, who was serving at Barpeta promoted to the post of Matron and posted at NMCH, Nalbari. Learned Senior Counsel for the petitioner submits that subsequently the said promotion order stood cancelled on the

same day by order No.NS/EMP/25/pt-111/2000/279 dated 25.06.2025 and by another subsequent order No.NS/EMP/25/pt-111/2000/208 dated 25.06.2025 was issued, whereby the petitioner was shown to be promoted to the post of Principal Tutor at GNMTS Dibrugarh, whereas the private respondent no.5 was transferred as a Matron in Mangaldai CH, Darrang. It is submitted by the learned Senior Counsel for the petitioner that the promotion was effected pursuant to the recommendation of the Promotion Committee and therefore, there must be sufficient reasons in public interest to cancel the order No.NS/EMP/25/pt-111/2000/279 dated 25.06.2025 which is impugned in the present writ petition.

Mr. MK Choudhury, learned Senior Counsel refers to a writ petition being WP(C) No.3791/2025 filed by a similarly situated person. It is submitted that in WP(C) No.3791/2025 on 30.06.2025, the Coordinate Bench of this Court directed the Department respondents to produce the record and status quo was ordered to be maintained till the next date of listing (18.07.2025). However, on 18.07.2025, the writ petition stood closed as it was submitted that the respondent authorities vide an order dated 02.07.2025 had modified the earlier order of transfer dated 25.06.2025 in respect of the petitioner therein and permitted the petitioner therein to continue against the post of Matron at LGB Chest Hospital, Guwahati, Kmrrup(M). Learned Senior Counsel therefore submits that the petitioner being similarly situated and prays a similar order be also passed in the present case.

Ms. S. Sarma, learned Standing Counsel, Health Department submits that the petitioner and the respondent no.5 are holding separate posts. The petitioner was the Vice- Principal of GNM Training School, Darrang and transferred to Dibrugarh as Principal on promotion, whereas the respondent

no.5 was promoted as Matron and transferred to Mangaldai CH, Darrang. Her services are being utilized in the hospital and not in the Training Institute like that of the writ petitioner. Therefore, the incumbents in both the posts cannot be stated to be rendering similar services.

Be that as it may, Ms. S. Sarma, learned Standing Counsel, Health Department prays for 2 (two) weeks time to complete her instructions.

At this stage, this Court would not like to issue any notices and therefore, permits Ms. S. Sarma, learned Standing Counsel, Health Department to obtain required instructions with regard to the cancellation of the earlier order of promotion being order No. NS/EMP/25/pt-111/2000/278 dated 25.06.2025 and for issuance of fresh order of promotion being order No.NS/EMP/25/pt-111/2000/208 dated 25.06.2025 which is challenged in the present writ petition.

In order to enable Ms. S. Sarma, learned Standing Counsel, Health Department to obtain required instructions, sufficient extra copies of the petition be furnished to her during the course of the day.

Let this matter be listed again on 13.08.2025.

Till the next date fixed, the order No.NS/EMP/25/pt-111/2000/279 dated 25.06.2025 as well as the order No.NS/EMP/25/pt-111/2000/208 dated 25.06.2025 in so far as the writ petitioner vis-a-vis the private respondent no.5 are concerned shall remain stayed.

JUDGE

Comparing Assistant