

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

Linked Case : I.A.(Civil)/2538/2025

KRISHNA HANDIQUE
W/O SRI RAJEN GOGOI

RESIDENT OF HOUSE NO. 1
UDAYACHAL
GAUHATI MEDICAL COLLEGE ROAD
NEAR SANKARI NAMGHAR
PO AND PS DISPUR
CHRISTIAN BASTI
GUWAHATI 781005
DIST KAMRUP M ASSAM

VERSUS

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

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR
GUWAHATI-06

3:THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI-36

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

5:THE JOINT DIRECTOR OF HEALTH SERVICES

DIBRUGARH
DIST- DIBRUGARH
ASSAM-786002

For the petitioner (s) : None appears

For the respondent (s) : Mr. B. Gogoi, AAG
Mr. R. Singha, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

05.01.2026

None appears on behalf of the petitioner on call.

2. Mr. B. Gogoi, the learned Additional Advocate General appears on behalf of the Health Department and Mr. R. Singha, the learned counsel appears on behalf of the respondent No.5.

3. It has been submitted by Mr. R. Singha, the learned counsel that the respondent No.5 has already joined the place of posting prior to the filing of the writ petition.

4. Mr. B. Gogoi, the learned Additional Advocate General submitted that the Director of Health Services has already filed an affidavit-in-opposition and the petitioner was given a promotion and posting vide the impugned order dated 25.06.2025 and for the last six months, the petitioner has not

joined them. The learned Additional Advocate General further referring to the judgment of the Supreme Court in the case of ***S.C. Saxena vs. Union of India and Others***, reported in **(2006) 9 SCC 583** submitted that the Supreme Court in the said judgment has categorically observed that long absence amounts to a good ground for compulsory retirement.

5. This Court, however, would not like to comment on the said in as much as it shall be absolutely within the domain of the Respondent Authorities to take such action as deemed proper.

6. For the interest of justice, the matter stands adjourned to be listed again on 09.02.2026.

JUDGE

Comparing Assistant