

GAHC010152092025



2026:GAU-AS:3786

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, MS S PATOWARY(R-5),MR R SINGHA (R-5)

**BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA**

ORDER

Date : 16-03-2026

Heard Mr. B. Sinha, learned counsel for the petitioner. Also heard Mr. R. Singha, learned counsel for respondent No. 5 and Mr. A. Chaliha, learned Standing counsel appearing for the Health Department.

2. The case of the petitioner is that the petitioner is a qualified nurse and is an employee under the Directorate of Health Service and has been rendering her services in various places of her posting till date. The petitioner is presently 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 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 being one of the eligible candidates, her name appeared in the aforesaid order dated 25.06.2025, whereby she was promoted to the post of Principal Tutor in Managaldoi 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. Subsequently, the said promotion list

stood cancelled on the same day by another dated 25.06.2025 and by the subsequent order, i.e., order No. NS/EMP/25/pt-111/2000/279 dated 25.06.2025, the petitioner was shown to be promoted to the post of Principal Tutor at GNMTS, Dibrugarh whereas the respondent No. 5 was transferred as a Matron in Mangaldai CH, Darrang.

3. It is submitted by the learned counsel appearing for the petitioner that 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-111/2000/208 dated 25.06.2025 which is impugned in the instant writ petition. He submits that since the petitioner's husband was not keeping well and required constant medical attention after his retirement, the petitioner has submitted a representation dated 25.06.2025, praying for modification of the promotional order by posting her at Mangaldai considering her family problems. However, she did not get any positive response for the same.

4. Be that as it may, during the course of the hearing of the instant petition, Mr. A. Chaliha, learned Standing Counsel for the Health Department has submitted a communication dated 13.03.2021¹⁶ issued by the Director of Health Services, Assam, Hengrabari, before this Court which mentioned that one post of Matron at SDCH, Rangia, Kamrup is lying vacant in which a Vice Principal of GNM Training may be promoted.

5. The aforesaid communication along with the other documents enclosed is kept on record marking 'X'.

6. In view of the aforesaid communication, the learned Standing Counsel appearing for the Health Department submits that since the aforesaid post of Matron at SDCH, Rangia, Kamrup is vacant, the petitioner can be accommodated against the said post.

7. To the aforesaid submission advanced by the learned Standing Counsel for the Health Department, the learned counsel for the Petitioner submits that the petitioner is willing to take up that post and accordingly, the respondents may be directed to accommodate her in the post of Matron at SDCH, Rangia, Kamrup.

8. Mr. R. Singha, learned counsel appearing for the respondent No. 5 does not have any problem in the aforesaid arrangement. However, he pointed out that seniority between the petitioner and the respondent No. 5 may be an issue later on.

9. Taking into account the facts and the forthcoming proposal from the Health Department, this Court does not want to go into the issue of seniority, at this stage, as the same is not an issue raised in the instant writ petition.

10. Since the Health Department is willing to accommodate the petitioner in the post of Matron at SDCH, Rangia, Kamrup and the petitioner is willing to take up the aforesaid position, this Court is of the considered opinion that this petition can be disposed of, at this stage, with a direction to the respondents, i.e., Health Department to consider the accommodation of the petitioner in the

aforesaid post of Matron at SDCH, Rangia, Kamrup, as submitted by the learned Standing Counsel, Health Department.

11. The aforesaid exercise should be carried out by the respondent authorities, i.e., the Health Department within a period of one month from the date of passing of this order.

12. In view of the aforesaid directions, the instant writ petition stands disposed of, as allowed.

JUDGE

Comparing Assistant