

GAHC010158812025



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

Case No. : WP(C)/4050/2025

SRI JUGAL GAM AND 8 ORS
S/O NANDA NATH GAM R/O CHETIA GAON, WARD NO. 5, NORTH
LAKHIMPUR, DISTRICT - LAKHIMPUR, ASSAM - 787001.

2: SRI SHYAM PRASAD BARUAH
S/O LATE MANINDRA PRASAD BARUAH R/O RAJADUAR
NORTH GUWAHATI
KAMRUP
ASSAM - 781030.

3: SMTI SANTANA SARMA
W/O SRI BHASKAR JYOTI NATH R/O GANESH PATH
HOUSE NO. 17
HATIGAON
GUWAHATI
KAMRUP (M)
ASSAM - 781038.

4: SMTI SWAGOTA DUTTA
W/O SRI GAURAV MAHANTA R/O- C/O PURNIMA BORDOLOI
HOUSE NO. 19 AND 20
ULUBARI
GUWAHATI
KAMRUP (M)
ASSAM -781007.

5: IMDADUL ISLAM KHAN
S/O LATE ABDUR RAHMAN KHAN R/O GANDHI NAGAR
P.O. BARPETA
DISTRICT - BARPETA
ASSAM - 781301.

6: SMTI SUPRIYA DAS
W/O BHASKAR JYOTI NATH R/O LOTHABORI

WARD NO. 1
NEAR B.ED COLLEGE
MORIGAON
ASSAM - 782105.

7: SMTI KAKOLI DUTTA
W/O SRI SONKUL PLABAN BARUAH R/O CHABUA
DIBRUGARH
ASSAM - 786184.

8: SMTI UJWALA BARUAH
W/O NUPUR GOHAIN R/O - C/O SUBHASH CHANDRA GOHAIN
GONDHIA (BORCHAPORI)
VILLAGE- PANITOLA
DISTRICT - TINSUKIA
ASSAM - 786183.

9: SMTI NABANITA DAS
S/O SRI KRIPAL JYOTI MAZUMDAR R/O HOUSE NO. 6
CHANDAN NAGAR
TRIBENI PATH
SIX MILE
GUWAHATI
KAMRUP (M)
ASSAM - 781022

VERSUS

THE STATE OF ASSAM AND 11 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HEALTH AND FAMILY WELFARE
DEPARTMENT, DISPUR, GUWAHATI - 781006.

2:THE JOINT SECRETARY TO THE GOVERNMENT OF ASSAM
HEALTH AND FAMILY WELFARE (A) DEPARTMENT
DISPUR
GUWAHATI - 781006.

3:THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGERABARI
GUWAHATI - 781036.

4:THE JOINT DIRECTOR OF HEALTH SERVICES
NAGAON
A.T. ROAD
HAIBARGAON
DISTRICT - NAGAON

ASSAM - 782001.

5:THE JOINT DIRECTOR OF HEALTH SERVICES
SIVSAGAR
DOL MUKHI CHARIALI
DISTRICT - SIVSAGAR ASSAM - 785640.

6:THE JOINT DIRECTOR OF HEALTH SERVICES
TINSUKIA
G.N.B. ROAD
DISTRICT - TINSUKIA ASSAM - 786125.

7:THE JOINT DIRECTOR OF HEALTH SERVICES
NALBARI
NEAR SMK HOSPITAL
DISTRICT - NALBARI ASSAM - 781335.

8:THE JOINT DIRECTOR OF HEALTH SERVICES
DHUBRI
A.K. AZAD ROAD
DISTRICT - DHUBRI
ASSAM - 783301.

9:THE JOINT DIRECTOR OF HEALTH SERVICES
DARRANG
DISTRICT - DARRANG
ASSAM - 784125.

10:THE JOINT DIRECTOR OF HEALTH SERVICES
BONGAIGAON
NEAR OLD CIVIL HOSPITAL
DISTRICT - BONGAIGAON
ASSAM - 783380.

11:THE JOINT DIRECTOR OF HEALTH SERVICES
SONITPUR
NEAR TEZPUR COLLEGE
DISTRICT - SONITPUR ASSAM - 784001.

12:THE JOINT DIRECTOR OF HEALTH SERVICES
MORIGAON
KHIROD BARUA PATH
DISTRICT -MORIGAON
ASSAM - 782105

Advocate for the Petitioner : MR B D DAS, MR J LOTHAN, MR H K SARMA, MR D
KALITA, MR. H R DAS

Advocate for the Respondent : SC, HEALTH,

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 23-07-2025

Heard Mr. B.D. Das, learned Sr. counsel assisted by Mr. D. Kalita, learned counsel for the writ petitioners. Also heard Mr. D.P. Borah, learned standing counsel, Health Department, Assam.

Issue notice of motion returnable in 04 weeks.

Since all the respondents are duly represented by Mr. D.P. Borah, learned standing counsel, Health Department, Assam, notices are waived. However, extra copies be furnished within a week from today.

The writ petitioners are aggrieved by the order dated 04-07-2025 whereby their services as District Malaria Officers have been terminated. Petitioners are rendering services since the month of January, 2012. It is submitted that petitioners are not given their regular pay during their service because of which, petitioners had earlier approached this Court by filing W.P.(C) No. 1834/2025 whereby a Coordinate Bench of this Court issued notice in the interim directing the respondent authorities to release their salaries while permitting the respondent authorities to consider extension of regularisation of their services taking into the recommendation of the Departmental Promotion Committee (DPC) as well as the letter of the Director of Health Services. Pursuant to the order already passed the impugned order of termination the petitioners are before this Court.

It is also submitted that after the cancellation of the regularisation order, the petitioners have not been allowed to work.

Mr. D.P. Borah, on the other hand, strongly disputes the submissions made by the counsel for the petitioner. It is submitted that the petitioners are no longer in service and have not rendered their services since the last order of extension issued in the year 2024.

Having heard the submission of learned counsel for the parties, let notice of motion be issued returnable on 27-08-2025.

Considering the fact that a coordinate Bench by the order dated 10-04-2025 passed in W.P.(C) No. 1834/2025 already directed the release of salary and consideration of the cases of the petitioners for extension and also in view of the orders passed by the DPC as well as the communication issued by the Director of Health Services, let the order rejecting the regularisation order dated 04-07-2025 as well as the all other consequential order(s) that may have been issued be not given effect to till the next date fixed.

Let this writ petition be listed along with W.P.(C) No. 1834/2025.

JUDGE

Comparing Assistant