

GAHC010152092025



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

Case No. : 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

Advocate for : MS S PATOWARY
Advocate for : SC
HEALTH appearing for SEWALI DEVI

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

13.08.2025

Heard Mr. R. Singha, learned counsel for the applicant. Also heard Mr. D. Upamanyu, learned Standing Counsel, Health Department and Mr. R. De, learned counsel for the private respondent No.5.

This Interlocutory Application has been filed for vacating and modification of the order dated 23.07.2025 passed in WP(C) No.3986/2025. The writ petitioner by the said writ petition has assailed the promotional order issued by the State whereby the petitioner was transferred and posted as Principal Tutor GNMTS, Dibrugarh and the private respondent No.5 transferred and posted as a Matron of Mangaldoi Civil Hospital, Darrang. The petitioner is aggrieved for the reasons mentioned in the writ petition that she ought to have been posted in the Mangaldoi Civil Hospital, Darrang instead of the private respondent, more

particularly as the petitioner is already in Mangaldoi serving as a Vice Principal of GNM Training School, Darrang.

Upon hearing the learned counsel for the parties, this Court by order dated 23.07.2025 while issuing notice directed the order No. NS/EMP/25/pt-111/2000/279 dated 25.06.2025 and order No.NS/EMP/25/pt-111/2000/208 dated 25.06.2025 whereby the transfer and posting of the petitioner as well as the private respondent No.5 is concerned be stayed till the next returnable date so far as it relates to the petitioner and the private respondent No.5. This order was passed ex-parte against the private respondent and therefore the present interlocutory application has been filed by the private respondent No.5 as the applicant.

In the present interlocutory application the respondent No.5 has prayed for vacating and modification of the order dated 23.07.2025 passed in WP(C) 3986/2025 on the ground that well prior to the order of stay passed by this Court, the private respondent No.5 of WP(C) 3986/2025 had already joined in her place of posting having been released from her original place of posting vide order dated 26.06.2025. The private respondent/applicant had joined in her place of posting by furnishing a joining report dated 27.06.2025 which was duly received by the Superintendent of Mangaldoi Civil Hospital, Mangaldoi on 27.06.2025.

It is therefore clear that on the day when the order was passed by this Court dated 23.07.2025 staying the promotion order No. NS/EMP/25/pt-111/2000/279 dated 25.06.2025 and order No.NS/EMP/25/pt-111/2000/208

dated 25.06.2025 the private respondent No.5 had already joined in her place of posting. It is clear that by virtue of the stay granted by this Court vide order dated 23.07.2025 passed in WP(C) 3986/2025, the status of the private respondent No.5 will be under a cloud. This Court perhaps would not have granted the interim order as the facts been placed before the Court either by the learned counsel for the petitioner or by the learned counsel for the State that the private respondent No.5 had already joined at her place of posting on 26th/27th of June, 2025.

Be that as it may since the interim order had already been passed and now that the vacating petition has been filed, this Court intends to issue notice permitting the respondents to respond. The interim order dated 23.07.2025 stands modified to the extent that status quo as on date shall be maintained and the service benefits of the private respondent No.5 shall not be affected by virtue of the interim order dated 23.07.2025 passed in WP(C) 3986/2025 which now stands modified.

The opposite parties may file necessary affidavits in the meantime in the Interlocutory Application.

JUDGE

Comparing Assistant