

GAHC010175392015



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

Case No. : WP(C)/1307/2015

MASTER PRAGYAN BAISHYA
R/O BY HIS FATHER SRI KHARGESWAR BAISHYA, PRESENTLY R/O QRT.
NO.2, O/O THE ADDLL. CHIEF ENGINEER, PHE COLONY, DIPHU, P.O., P.S.
DIPHU, DIST- KARBI ANGLONG, PIN-782460, ASSAM, PERMANENT R/O S/O
KHARGESWAR BAISHYA, R/O BANGAON, P.O. BANAGRAM, P.S. BELSOR,
DIST- NALBARI, ASSAM, PIN-781303

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
DEPTT. OF PHE, DISPUR, GHY-6, ASSAM

2:THE CHIEF ENGINEER
DEPTT. OF PHE
HENDERABARI
GHY-36

3:THE ADDL. CHIEF ENGINEER
DEPTT. OF PHE
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
PIN-782460
ASSAM

4:THE EXECUTIVE ENGINEER
PHE
DIPHU RURAL W/S DIVISION
DIPHU
PIN-782460
ASSAM

5:THE PRINCIPAL SECY.
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU-782460
ASSAM

6:THE ASSAM POWER DISTRIBUTION CO. LTD.
REP. BY ITS CHAIRMAN CUM MANAGING DIRECTOR
HAVING ITS REGISTERED OFFICE AT BIJULEE BHABAN
PALTAN BAZAR
GHY-1
ASSAM

7:THE ASSTT. EXECUTIVE ENGINEER
DIPHU ELECTRICAL SUB DIVISION NO.1
DIPHU
KARBI ANGLONG
PIN-782460

8:MS. ANIMA TEROPI
THE CONTRACTOR WHO WAS CONSTRUCTING THE BUILD
R/O CHANDRA NAGAR
P.O.
P.S. DIPHU
W/NO.7
KARBI ANGLONG
ASSAM
PIN-782460

9:THE CHIEF ELECTRICAL INSPECTOR
GOVT. OF ASSAM
1ST FLOOR
HOUSEFED COMPLEX
BELTOLA-BASISTHA ROAD
WEST END BLOCK
HOUSEFED
DISPUR
GUWAHATI
ASSAM-781006.

10:ASSAM STATE LEGAL SERVICES AUTHORITY
GUWAHATI-

Advocate for the Petitioner : MR.T MADHUKALLYA

Advocate for the Respondent : SC, APDCL

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 14/02/2023

Mr. P. Mahanta, learned counsel for the petitioner is present. Mr. D. Nath, learned senior Government Advocate, Assam has obtained instruction in terms of the order dated 24/01/2023 passed by this Court and submits that as per the information received from the Secretary to the Government of Assam, Health and Family Welfare Department as well as the Superintendent of Guwahati Medical College & Hospital (GMCH), Government of Assam is willing to provide all assistance for making available, a mechanical artificial limb to the petitioner, subject to his condition permitting the same. Mr. Nath submits that the Government will also make necessary arrangements under the "Assam Aragya Nidhi Scheme". However, the aforesaid process cannot begin until a medical team of the GMCH makes an assessment of his physical conditions so as to figure out the nature of artificial limb(s) that can be provided to him. Mr. Nath submits that the petitioner may appear before the medical team headed by the Superintendent of GMCH on any day, convenient to him.

Mrs. R.S. Choudhury, learned Standing Counsel, ASLSA submits that since a cosmetic artificial limb would be of no use to the petitioner, hence, the proposal made by Mr. Nath, be explored.

Mr. J. Chutia, learned Standing Counsel, KAAC, has maintained his stand as reflected in the affidavit, that as soon as the petitioner attains the age of 18 years, he would be provided with a permanent job in any of the departments coming under the Council.

Mr. B. Choudhury, learned Standing Counsel, APDCL is also present.

Taking note of the submissions made by the learned counsel for the parties and as agreed to by the petitioner's counsel, it is hereby provided that the petitioner, viz. Master Pragyan Baishya may appear before the Superintendent of the GMCH at Guwahati on 20/02/2023 at 11 a.m. for carrying

out an assessment of his limbs, in the light of the observations made above.

List this case again after three weeks as a fixed part-heard matter.

The progress if any, made in the meantime, be intimated by Mr. Nath, learned Senior Government Advocate, Assam,

JUDGE

sukhamay

Comparing Assistant