

GAHC010194522024



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

**Case No. : WP(C)/4851/2024**

AKHENDRA KALITA  
SON OF LATE DHIREN KALITA  
RESIDENT OF P.H.E. COMPLEX,  
QUARTER NO. 223, HENGRABARI,  
P.O.- HENGRABARI, PS.- DISPUR  
KAMRUP(M), ASSAM, PIN- 781036.

VERSUS

THE STATE OF ASSAM AND 7 ORS  
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE  
GOVERNMENT OF ASSAM,  
PUBLIC HEALTH ENGINEERING DEPARTMENT,  
DISPUR, GUWAHATI-6.

2:THE SECRETARY TO THE GOVT. OF ASSAM  
PUBLIC HEALTH ENGINEERING DEPARTMENT  
DISPUR  
GUWAHATI-6.

3:THE SPECIAL SECRETARY TO THE GOVT. OF ASSAM  
PUBLIC HEALTH ENGINEERING DEPARTMENT  
DISPUR  
GUWAHATI-6.

4:THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM  
PUBLIC HEALTH ENGINEERING DEPARTMENT  
DISPUR  
GUWAHATI-6.

5:THE CHIEF ENGINEER  
PUBLIC HEALTH ENGINEERING (WATER)

ASSAM  
HENGRABARI  
GUWAHATI- 36

DISTRICT- KAMRUP(M)  
ASSAM.

6:NIDESH KUMAR HAJONG  
JUNIOR ASSISTANT

O/O- THE CHIEF ENGINEER  
(WATER)  
ASSAM

HENGRABARI  
GUWAHATI- 36

DISTRICT- KAMRUP(M)  
ASSAM.

7:GOBIN GOHAIN  
JUNIOR ASSISTANT

O/O- THE CHIEF ENGINEER  
(WATER)  
ASSAM

HENGRABARI  
GUWAHATI- 36

DISTRICT- KAMRUP(M)  
ASSAM.

8:NITA BAISHYA  
JUNIOR ASSISTANT

O/O- THE CHIEF ENGINEER  
(WATER)  
ASSAM

HENGRABARI  
GUWAHATI- 36

DISTRICT- KAMRUP(M)  
ASSAM.

(NOTICE TO PRIVATE RESPONDENT NO. 6 TO 8 MAY BE SERVED  
THROUGH THE RESPONDENT NO. 5)

**Advocate for the Petitioner** : MR J I BARBHUIYA, MRS. K H CHOUDHURY, MR A HOSSAIN, MR. L MOHAN

**Advocate for the Respondent** : SC, P H E,

**BEFORE  
HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**Date** : 23-09-2024

Heard Mr. L. Mohan, learned counsel for the writ petitioner.

The writ petitioner herein was originally recruited as a Data Entry Operator and his services were placed under the PHE Department, Assam. Contending that there was no scope for promotion since the Data Entry Operator is single cadre post, he had represented before the authorities to absorb him as Junior Assistant, since the educational qualification and pay scale of both the posts are same. Accordingly, the prayer of the petitioner was considered and he was absorbed as Junior Assistant. The petitioner is aggrieved by the fact that in the gradation list published on 26-07-2024 his juniors have been placed above him by ignoring his length of service. Hence, this writ petition.

Mr. R. Bora, learned counsel appearing for the respondent Nos. 1 to 5 has prayed for some time to obtain instruction in the matter.

Issue notice of motion returnable in 06 weeks.

Since Mr. Bora has accepted notice on behalf of respondent Nos. 1 to 5, no formal notice is required to be filed to the said respondents.

Extra copies of the writ petition, requisite in numbers, be furnished to the learned

departmental counsel within a week from today.

Petitioner to take steps for service of notice upon respondent Nos. 6 to 8 by registered post with A/D.

**JUDGE**

GS

**Comparing Assistant**