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

Case No. : WP(C)/2869/2024

KAUSHIK DAS

S/O- JOY KRISHNA DAS, ADDRESS- H/NO. 128, NEAR PATHO PLUS CLINIC,
A.T.ROAD, MALIGAON CHARIALI, GUWAHATI- 781011

VERSUS

THE STATE OF ASSAM AND 12 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, PERSONNEL (A), DISPUR, GUWAHATI-6,
DISTRICT- KAMRUP (M), ASSAM

2:THE SECRETARY
GOVERNMENT OF ASSAM
PERSONNEL (A)
DISPUR
GUWAHATI-6
DISTRICT- KAMRUP (M)
ASSAM

3:STATE LEVEL RECRUITMENT COMMISSION FOR CLASS-III POSTS
ASSAM ADMINISTRATIVE STAFF COLLEGE
REPRESENTED BY ITS CHAIRMAN
JAWAHARNAGAR
KHANAPARA
GUWAHATI-22
DISTRICT- KAMRUP (M)
ASSAM

4:THE SECRETARY
STATE LEVEL RECRUITMENT COMMISSION FOR CLASS-III POSTS
ASSAM ADMINISTRATIVE STAFF COLLEGE
JAWAHARNAGAR

KHANAPARA
GUWAHATI-22
DISTRICT- KAMRUP (M)
ASSAM

5:THE SECRETARY
MEDICAL EDUCATION AND RESEARCH DEPARTMENT
GOVT. OF ASSAM
DISPUR
GUWAHATI- 781006
ASSAM

6:THE PRINCIPAL-CUM-CHIEF SUPERINTENDENT
GAUHATI MEDICAL COLLEGE AND HOSPITAL
BHANGAGARH
GUWAHATI-32

7:THE PRINCIPAL SECRETARY
SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT
GOVT. OF ASSAM
BLOCK-D
1ST FLOOR
DISPUR
JANATA BHAWAN
GUWAHATI- 781006

8:THE JOINT SECRETARY
SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT
GOVT. OF ASSAM
BLOCK-D
1ST FLOOR
DISPUR
JANATA BHAWAN
GUWAHATI- 781006

9:THE COMMISSIONER
FOR PERSONS WITH DISABILITIES
ADDRESS- LATAKATA BASISTHA
GUWAHATI- 781029
KAMRUP (M)
ASSAM

10:THE REGISTRAR
COOPERATIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI- 781022
KAMRUP (M)

ASSAM

11:THE JOINT SECRETARY
COOPERATION DEPARTMENT
DISPUR
GUWAHATI- 781006
KAMRUP (M)
ASSAM

12:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
HEALTH AND FAMILY WELFARE DEPARTMENT
GUWAHATI- 781006
KAMRUP (M)
ASSAM

13:THE MEDICAL BOARD
REPRESENTED BY THE PRINCIPAL-CUM-CHIEF SUPERINTENDENT
GAUHATI MEDICAL COLLEGE AND HOSPITAL
BHANGAGARH
GUWAHATI-32

14:THE PRINCIPAL SECRETARY
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT

GUWAHATI-781006
KAMRUP(M) ASSAM

15:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
GUWAHATI-781006
KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. FIRUZ KHAN, P. NATH,MS D BARUAH,DR AZIZ KHAN,MR U CHAUDHURY,MR. ABHIJIT MENA,RHITUSHREE TALUKDAR

Advocate for the Respondent : GA, ASSAM, SC, HEALTH,MS. M D BORA (SC, CO-OPERATIVE SOCIETIES),MR. C SARMA (SC, SOCIAL JUSTICE AND EMPOWERMENT),MR. D UPAMANYA (SC, HEALTH DEPT.),MR B CHOUDHURY,MS. M BHATTACHARYYA,

Linked Case : WP(C)/2321/2024

KAUSHIK DAS

S/O- JOY KRISHNA DAS
R/O- H/NO. 128
NEAR PATHO PLUS CLINIC
A.T. ROAD
MALIGAON CHARIALI
GHY-781011.

VERSUS

THE STATE OF ASSAM AND 11 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
PERSONNEL (A)
DISPUR
GHY-6
DIST. KAMRUP(M)
ASSAM

2:THE SECRETARY

GOVERNMENT OF ASSAM
PERSONNEL (A) DEPARTMENT
DISPUR
GHY-6
DIST. KAMRUP(M)
ASSAM

3:STATE LEVEL RECRUITMENT COMMISSION FOR CLASS-III POSTS
ASSAM ADMINISTRATIVE STAFF COLLEGE
REP. BY ITS CHAIRMAN
JAWAHARNAGAR
KHANAPARA
GHY-22
DIST. KAMRUP(M)
ASSAM

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JAWAHARNAGAR
KHANAPARA
GUWAHATI-22
DIST. KAMRUP(M)
ASSAM

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MEDICAL EDUCATION AND RESEARCH DEPARTMENT
GOVT. OF ASSAM
DISPUR
GHY-781006
ASSAM

6:THE PRINCIPAL-CUM-CHIEF
SUPERINTENDENT
GAUHATI MEDICAL COLLEGE AND HOSPITAL
BHANGAGARH
GHY-32.

7:THE PRINCIPAL SECRETARY
SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT
GOVT. OF ASSAM
BLOCK-D
1ST FLOOR
DISPUR
JANATA BHAWAN
GHY-781006.

8:THE JOINT SECRETARY
SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT
GOVT. OF ASSAM
BLOCK-D
1ST FLOOR
DISPUR
JANATA BHAWAN
GHY-781006.

9:THE COMMISSIONER
FOR PERSONS AND DISABILITIES
R/O- LATAKATA
BASISTHA
GHY-781029
KAMRUP(M)
ASSAM

10:THE REGISTRAR
COOPERATIVE SOCIETIES
ASSAM
KHANAPARA
GHY-781022
KAMRUP(M)
ASSAM

11:THE JOINT SECRETARY

COOPERATION DEPARTMENT
DISPUR
GHY-781006
KAMRUP(M)
ASSAM

12:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
GUWAHATI-781006
KAMRUP(M)
ASSAM

Advocate for : MR. FIRUZ KHAN
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 11 ORS

Linked Case : I.A.(Civil)/3307/2024

KAUSHIK DAS
S/O- JOY KRISHNA DAS
ADDRESS- H/NO. 128
NEAR PATHO PLUS CLINIC
A.T.ROAD
MALIGAON CHARIALI
GUWAHATI- 781011

VERSUS

THE STATE OF ASSAM AND 12 ORS
- REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
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DISTRICT- KAMRUP (M)
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3:STATE LEVEL RECRUITMENT COMMISSION FOR CLASS-III POSTS

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REPRESENTED BY ITS CHAIRMAN
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4:THE SECRETARY STATE LEVEL RECRUITMENT COMMISSION FOR
CLASS-III POSTS
ASSAM ADMINISTRATIVE STAFF
COLLEGE
JAWAHARNAGAR
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GUWAHATI-22
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ASSAM

5:THE SECRETARY MEDICAL EDUCATION AND RESEARCH DEPARTMENT
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HEALTH AND FAMILY WELFARE DEPARTMENT
GUWAHATI- 781006
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13:) THE MEDICAL BOARD REPRESENTED BY THE PRINCIPAL-CUM-CHIEF
SUPERINTENDENT
GAUHATI MEDICAL COLLEGE AND HOSPITAL
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14:) THE PRINCIPAL SECRETARY
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
GUWAHATI-781006
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15:THE COMMISSIONER
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GUWAHATI-781006
KAMRUP (M)
ASSAM

Advocate for : MR. FIRUZ KHAN
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 12 ORS

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

14.11.2025

Heard Mr. F. Khan, learned counsel for the petitioner. Also heard Mr. B. Gogoi, learned Addl. Advocate General for the State respondents, Mr. D. Upamanyu, learned Standing Counsel, Health Department and Mr. B. Chowdhury, learned counsel for the respondent Nos. 4 and 5.

Mr. F. Khan, learned counsel for the petitioner on the other hand, has referred to the order dated 04.08.2025 passed by the Court, whereby a direction was issued to the Health Department calling for medical records to show as to how the test in respect of the writ petitioner was conducted and the percentage of disability shown by the Medical Board to be at 23% was arrived at.

These records have been called for as no affidavit was filed by the Health Department. These records are also necessary, as it is the contention of the learned counsel for the petitioner that on subsequent Medical Examination by the ENT Department of the Gauhati Medical College which was undertaken on the writ petitioner, the percentage of disability insofar as the writ petitioner is concerned was arrived at 57.1%, which if correct will make the petitioner eligible for being considered for the post in which he applied under the category of hearing disability.

Mr. B. Gogoi, learned Addl. Advocate General however, submits that he

has received his instructions and therefore, he may be permitted to bring the affidavits on record on behalf of the Health Department.

In view of the submissions made before this Court by the learned Addl. Advocate General, this Court grant further three weeks time to permitting the respondents to bring on record the relevant materials and to apprise the Court the different test readings which are reflected on the tests undergone by the petitioner showing his disability.

If it is found that the petitioner has been rejected on tests undertaken by the Department which were incorrect, then necessary orders will be passed by the Court directing the respondents to give appointment to the petitioner. If it appears to the Court that posts are not available then the respondents will have to accommodate the petitioner in the event of writ petition is allowed.

JUDGE

Comparing Assistant