

GAHC010224712024



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

Case No. : WP(C)/5561/2024

DR. KANGKAN PATHAK
S/O- LATE BISWAMBHAR PATHAK,
PRESENTLY PROFESSOR AND HEAD OF THE DEPARTMENT, PSYCHIATRY,
LOKPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH, TEZPUR, DIST- SONITPUR, PIN-784001, ASSAM

VERSUS

THE UNION OF INDIA AND 3 ORS
REP. BY THE SECRETARY , MINISTRY OF HEALTH AND FAMILY WELFARE,
NIRMAN BHAWAN, NEW DELHI-11

2:THE SECRETARY

MINISTRY OF HEALTH AND FAMILY WELFARE
NIRMAN BHAWAN
NEW DELHI-11

3:CHAIRMAN OF THE EXECUTIVE COUNCIL
LOKPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH
TEZPUR
DIST- SONITPUR
PIN-784001
ASSAM

TO BE SERVED THROUGH THE SECRETARY
MINISTRY OF HEALTH AND FAMILY WELFARE
NIRMAN BHAWAN
NEW DELHI-11

4:DR. JYOTI HAZARIKA MD (MICROBIOLOGY)

LOKPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH
QTR NO-E5/TYPE VI
LGBRIMH CAMPUS
TEZPUR
DIST- SONITPUR
PIN-784001
ASSA

Advocate for the Petitioner : MR. R MAZUMDAR, MR. R DEKA, MS T WAPANGLA, MRS P
RAI

Advocate for the Respondent : DY.S.G.I., MR. K GOGOI (CGC)

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 30-10-2024

Heard Mr. R. Mazumdar, learned counsel for the writ petitioner.

Assailing the order dated 19-09-2024, by means of which the respondent No. 4 has been appointed as the In-Charge Director of the Lokpriya Gopinath Bordoloi Regional Institute of Mental Health (LGBRIMH), Tezpur, the instant writ petition has been filed, *inter-alia* contending that although the writ petitioner was the senior-most professor in the institute, yet, by ignoring his seniority, the respondent No. 4 who is much junior to the writ petitioner, has been appointed as the In-Charge Director.

According to Mr. Mazumdar as per the norms applicable to the institution, seniority cannot be ignored even while appointing In-Charge, Director of the institution.

Mr. K. Gogoi, learned CGC appearing for the respondent Nos. 1 and 2 prays for 02 weeks time to obtain instruction and respond to the grievance expressed in the writ petition.

Issue notice of motion returnable in 03 weeks.

Since Mr. Gogoi has accepted notice on behalf of respondent Nos. 1 and 2 and Mr. A.K. Dutta, learned CGC for respondent No. 3, service of notice is deemed to be complete in this case.

Extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel so as to enable them to obtain instruction.

Petitioner to take steps for service of notice upon respondent No. 4 by registered post with A/D.

Heard on the prayer of interim relief.

The said prayer will be considered on the returnable date.

JUDGE

GS

Comparing Assistant