

GAHC010226262025



2026:GAU-AS:712

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

Case No. : WP(C)/5972/2025

BALEN KALITA
S/O LATE BHUPEN KALITA, R/O VILL AND P.O.- NAHIRA, P.S.- MIRZA,
DIST- KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE PRINCIPAL AND SECRETARY TO THE GOVT. OF
ASSAM, HEALTH AND FAMILY WELFARE DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
HEALTH AND FW (A) DEPT.
DISPUR
GUWAHATI-6

3:THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGRABARI
GUWAHATI-36

4:THE JOINT DIRECTOR OF HEALTH SERVICES
KAMRUP
GUWAHATI-3

Advocate for the Petitioner : MR. S P CHOUDHURY,

Advocate for the Respondent : SC, HEALTH,

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 21.01.2026

Heard Mr. S. P. Choudhury, learned counsel, appearing for the petitioner. Also heard Ms. D. Bora, learned Standing Counsel, Health & Family Welfare Department, appearing for all the respondents.

2. The petitioner in the present proceedings has presented a challenge to an order dated 15-09-2025, whereby the attachment of the petitioner at Rampur BPHC, issued vide an order dated 19-07-2025 was cancelled and the petitioner was directed to report for duty at Rangiya BPHC.

3. The petitioner, herein, was initially recruited as a vaccinator on 02-07-1998. The initial appointment of the petitioner was on an adhoc basis which was subsequently regularized. The petitioner was considered for promotion to the post of Rural Health Inspector and on being found suitable, he was promoted vide order dated 24-08-2023 as Rural Health Inspector and posted at Rangiya BPHC.

In the said order dated 24-08-2023, it was stipulated that the petitioner, although posted at Rangiya BPHC, will perform his duties at Azara BPHC, as before, until further orders.

The petitioner, in terms of his promotional order, assumed the charge of the promotional post and discharged his duties at Azara BPHC.

Poised thus, the petitioner was vide an order dated 18-10-2024, released from Azara BPHC with immediate effect, with a direction to join at his original place of posting.

In the said order, the petitioner was denoted to be posted at Uparhali BPHC. The petitioner accordingly, assumed the charge of the post of Rural Health Inspector, Uparhali BPHC. After around a month from the date of passing of the order dated 18-10-2024, the respondent authorities issued an order dated 12-11-2024, whereby the petitioner was directed to work at Rangiya BPHC temporarily until further orders.

Thereafter, vide an order dated 19-07-2025, the petitioner was directed to report for duty at Rampur BPHC until further orders. It is seen that the petitioner joined his post at Rampur BPHC on 23-07-2025 and was continuing, therein.

Poised thus the respondents proceeded to issue an order dated 15-09-2025, cancelling the earlier posting of the petitioner at Rampur BPHC issued vide an order dated 19-07-2025 and required the petitioner to report for his duties at Rangiya BPHC until further orders.

It is in the above background that the petitioner has instituted the present proceedings.

4. Mr. S. P. Choudhury, learned counsel for the petitioner submits that in pursuance to an order dated 24-08-2023, promoting the petitioner against the post of Rural Health Inspector, although he was posted at Rangiya BPHC, he was directed to discharge his duties at Azara BPHC until further order which the petitioner complied with. He submits that the respondent authorities, without any rhyme or reason, released the petitioner from Azara BPHC and required him to join at his original place of posting which was denoted as Uparhali BPHC.

5. Mr. S. P. Choudhury, further submits that after passing of the order dated 18-10-2024, the respondents have been at frequent intervals issued orders towards posting the petitioner at BPHCs. However, no reason has been assigned for issuance of such frequent posting orders in respect of the petitioner, herein.

Mr. S. P. Choudhury, submits that the respondents have in the meanwhile also posted the petitioner at Rampur BPHC, vide an order dated 19.07.2025 which he complied with and joined the said post on 23-07-2025. Mr. S. P. Choudhury, submits that the respondent authorities, without assigning any reason for the same, proceeded vide order dated 15-09-2025, to cancel the order of posting effected in respect of the petitioner vide the order dated 19-07-2025 and directed him to report for duties at Rangia BPHC with immediate effect until further orders. He submits that the order dated 15-09-2025 not having assigned any reason requiring the cancellation of the earlier posting order of the petitioner effected vide order dated 19-07-2025, the order dated 15-09-2025 is a non-speaking one and would mandate an interference from this Court.

6. The learned counsel for the petitioner, by highlighting the repeated orders of posting passed in respect of the petitioner after his promotion to the post of Rural Health Inspector, submitted that the petitioner has been subjected to discrimination in the matter and is being used as a shuttle cock only to accommodate the interest of others.

7. In the above premises, Mr. S. P. Choudhury, submits that the order dated 15-09-2025 would mandate an interference from this Court with a further direction to the respondent authorities to permit the petitioner to continue to discharge his duties at Rampur BPHC in terms of the order dated 19-07-2025.

8. Per contra, Ms. D. Bora, learned Standing Counsel, Health & Family Welfare Department, submits that on promotion of the petitioner, he was posted at Rangia BPHC but was allowed to discharge his duties at Azara BPHC. She submits that after the promotion of the petitioner, his services were required to be utilized at different BPHCs in the interest of public service and accordingly, posting orders came to be issued in respect of the petitioner initially to Rangia BPHC.

She submits that the posting of the petitioner at Rampur BPHC effected vide an order dated 19-07-2025 was so done considering his health condition and basing on a request made in this connection by the petitioner. She submits that the attachment of various members of the service against posts other than that they were posted to was considered in a meeting held on 05-09-2025 in the office of the Director of Health Services, Assam, and accordingly the attachment of the services of the petitioner at Rampur BPHC effected vide order dated 19-07-2025 was directed to be cancelled and the petitioner was directed to work at Rangia BPHC in the same capacity. She submits that the order dated 15-09-2025 in no manner causes any prejudice to the service interest of the petitioner, inasmuch as, he was posted against an equivalent post and the same was only with a view to regularize the postings effected in respect of various members of the service.

She further submits that the posting of the petitioner effected vide the impugned order dated 15-09-2025 is within the same district and under the same DDO and accordingly, she reiterates that no prejudice has been caused to the petitioner in the matter.

9. I have heard the learned counsel for the parties and perused the materials available on record.

10. The facts noticed hereinabove are not in dispute. The petitioner on his promotion to the post of Rural Health Inspector vide order dated 24-08-2023 was posted at Rangia BPHC. Thereafter vide an order dated 29-07-2023, the petitioner was permitted to work at Azara BPHC. Thereafter, in the interest of public service as well as for accommodating the request made by the petitioner, the petitioner is found to have been attached to various BPHCs from time to time. Accordingly, while working under such circumstances at Rampur BPHC, he was vide order

dated 15-09-2025, issued by the joint Director, Health Service Kamrup, Amingaon, directed to report for duties at Rangia BPHC, in cancellation of his posting at Rampur BPHC.

As noticed hereinabove, the petitioner on his promotion vide order dated 24.08.2023 to the post of Rural Health Inspector, was posted in substantive capacity at Rangia BPHC. Accordingly, in effect vide the order dated 15.09.2025, the petitioner has been asked to revert back to his original place of posting. Accordingly, the respondent authorities by issuing the order dated 15.09.2025, having cancelled the attachment orders and required the petitioner to work at his original place of posting on promotion as Rural Health Inspector, this Court does not find any error in the issuance of the said order dated 15.09.2025.

The petitioner in the present proceeding has not brought on record any violation of any statutory provisions governing the transfer post of Rural Health Inspector and/or has also not alleged any malafide with regard to the issuance of the order dated 15-09-2025 to be so existing on the part of the respondent authorities.

In the absence of any violation of a statutory provision governing transfer and posting and/or in absence of any allegation of malafide, the challenge to the transfer and postings effected would normally not be maintainable before this Court. Further, all the posting of the petitioner after his promotion to the post of Rural Health Inspector is found to have been so effected within the district of Kamrup.

11. In view of the above conclusions, this Court is of the considered view that the order dated 15-09-2025 is not erroneous and would not mandate any interference.

The interim directions passed by this Court vide order dated 22-10-2025 stands vacated.

12. The petitioner is directed to join at his original place of posting at Rangia BPHC forthwith. Considering the prayer made by the learned counsel for the petitioner, it is provided that on joining of the petitioner at Rangia BPHC in terms of the order dated 15-09-2025, petitioner would be at liberty to approach the competent authority by way of filing a representation praying for a posting at a place of his choice by assigning reasons for the same.

In the event of the petitioner filing any such representation after joining at Rangia BPHC, the concerned authority shall consider the same on its own merits without being swayed by the observations made, hereinabove, by this Court, in the present order.

13. With the above observations and directions, the present writ petition stands disposed of.

JUDGE

Comparing Assistant