

GAHC010228432025



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

Case No. : WP(C)/6016/2025

ALL ASSAM A.N.M. AND L.H.S. SERVICE ASSOCIATION AND ANR
A REGISTERED ORGANIZATION HAVING ITS OFFICE AT GOPAL NAGAR,
NOONMATI, GUWAHATI- 781020, DISTRICT- KAMRUP (M), ASSAM,
REPRESENTED BY ITS PRESIDENT SMT. NILU GOGOI, 59 YEARS

2: SMT. BULUMA SAIKIA
WIFE OF SRI AMARENDRA KALITA
RESIDENT OF GOPAL NAGAR
NOONMATI
GUWAHATI-20
DISTRICT- KAMRUP (M)
GENERAL SECRETARY
ALL ASSAM A.N.M. AND L.H.S. SERVICE ASSOCIATIO

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HEALTH AND FAMILY WELFARE
DEPARTMENT, DISPUR, GUWAHATI-6

2:THE DIRECTOR OF HEALTH SERVICES
ASSAM
HENGHERABARI
GUWAHATI

3:THE DIRECTOR OF HEALTH SERVICES (FW)
ASSAM
HENGHERABARI
GUWAHAT

Advocate for the Petitioner : MR. M NATH, MAUSAM NATH,MR. A BHATTACHARJEE

Advocate for the Respondent : SC, HEALTH AND F W,

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

24.10.2025

Heard Mr. M. Nath, learned Senior Counsel for the petitioners.

The petitioners are Public Health Nurses, Auxiliary Nurse Mid Wife, Lady Health Supervisor/Lady Health Visitor. The grievance of the petitioner is that in terms of the service rules, namely the Assam Nursing Service Rules, 1991. They are a part of the cadre specified under Class III under Rule 3(1)(b). It is submitted that all the different category of nurses or matrons from the Class III of the cadre are specified under the Rules. Public Health Nurses, Auxiliary Nurse Mid Wife, Lady Health Supervisor/Lady Health Visitor are all part of Class III.

It is submitted that under the said rules for the promotion to the next higher post the proper procedure is prescribed under Rule 12. The learned Senior Counsel for the petitioners submits that there is no justiciable reason as to why the names of the petitioners are excluded from the final gradation list, which was published.

It is submitted that Rule 22 mandates publication of a gradation list containing the names of all members of the service in the order of seniority stating the cadre. In spite of such mandatory requirement prescribed under the rules, the common seniority list of Ward Sister, Ward Incharge/Nursing Sister/OT Sister/Sister Tutor under the DHS, DHS(FW) & DME & PHN have been published which does not find the names of the petitioners. The petitioners have accordingly submitted a representation before the Director of Health Service on

25.09.2025. This, however, has remained pending and the order has been passed. Being aggrieved, the present writ petition has been filed.

Ms. D. Bora, learned Standing Counsel appears for the Health Department submits that she would like to complete her instructions.

Issue notice the returnable on 19.11.2025.

Since the respondents are represented, notices are waived. However, extra copies will be furnished within a period of 3 working days from today.

The respondents are permitted to complete their instructions and file necessary affidavits, if so advised.

Let the matter be listed on 19.11.2025 by which date the respondent counsel will apprise the Court to the number of posts in the next higher cadre likely to be filled up and likely to affect the petitioners had their names been included in the final gradation list.

Issue notice of the interim prayer returnable on 19.11.2025, on which date prayer for interim will be considered.

Pendency of the writ petition will not be a bar to dispose of the representation dated 25.09.2025 filed by the petitioner.

JUDGE

Comparing Assistant