

GAHC010122572025



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

Case : 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 ASSOCIATION
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
HENGARABARI
GUWAHATI

3:THE DIRECTOR OF HEALTH SERVICES (FW)
ASSAM
HENGARABARI

GUWAHATI

Advocate for : MR. M NATH

Advocate for : SC

HEALTH AND F W appearing for THE STATE OF ASSAM AND 2 ORS

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

16.12.2025

Mr. M. Nath, learned Senior counsel assisted by Mr. A Bhattacharyaa, learned counsel for the petitioners. Also heard Ms. D Borah, learned Standing Counsel, Health.

2. The learned Senior Counsel for the petitioners submits that since the members of the writ petitioner association have not been included in the final common gradation list dated 05.02.2025 published by the respondents, further promotion to the next higher post under the Rules ought not to be proceeded with. It is the further claim of the members of the petitioner association that the petitioners have been wrongly kept out or not included in the common seniority list and therefore the respondents be restrained from proceeding further for appointment to the next higher posts from the said common seniority list.

3. The learned Standing Counsel, Health disputes the contentions raised by the writ petitioners by filing necessary affidavit. It is also submitted that the promotions in respect of the higher posts were not carried on by the department in view of the interim order dated 25.07.2025 passed in W.P(C) No. 3288/2025.

4. The grievance of the petitioners are that although their names were required to be included in the seniority list prepared under the Rules, the same

were excluded and there is a clear averment made in the affidavit filed by the respondents that since the names of the PHN belonging to the petitioner organization were considered for promotion to the next higher post by the respondent No. 3 who is Director Health Service (FW), the names of the members of the petitioner organization are not included in the final gradation list which was published on 05.02.2025. However, there is no explanation as to whether the service Rules contemplate preparation of two separate seniority lists- one for members of the petitioner organization who are Public Health Nurse (PHN) and whose promotions were affected by the respondent No. 3. However, Rule 22 of the Assam Nursing Services Rules, 1991 provides for gradation list containing the names of all members of the service in the order of seniority stating their cadre and such other particulars from the date of birth, date of appointment, caste etc are to be prepared and published every year. Rule 3(i)(b) specifies the post under Class-III. The posts include the following:

Matron/Principal Nursing Officer/Dist. Public Health Nurse Supervisor/ Supdt./Asstt. Supdt./ Rural Health Training Centre/Asstt. Matron/Sister/ Ward Master/Ward Sister and Tutor/ Public Health Nurse Tutor/Public Health Nurse/PHN, Integrity Child Development Scheme/Staff Nurse/ Auxiliary Nurse cum Midwife/ Lady Health visitor/ Dhai

5. Therefore, *prima facie*, it appears to the Court that the Rules specify promotion to the next higher cadre in terms of provisions of Rule 11 on the basis of merit with due regard to seniority and for which purpose the eligible candidates names are required to be included in the common gradation list.

6. Under such circumstances, this Court is of the view that the respondents ought to be permitted to apprise the Court as to the claims for the petitioner organization for being considered for promotion to the next higher post as to the manner and procedure to redress the grievances of the petitioner

organization towards their claims for promotion to the higher post under the Assam Nursing Services Rules, 1991.

7. Therefore, the respondents will accordingly place before the Court the all relevant materials as required.

8. List on 09.01.2026.

9. Till the next date fixed, the respondents will not proceed to make promotions to the next higher grades without leave of the Court.

JUDGE

Comparing Assistant