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

Case No. : WP(C)/6064/2025

BHASKARJYOTI KALITA
SON OF LATE BINOD CH KALITA, R/O MALIKUCHI, DIGHALI, WARD NO
17, BYE LANE NO. 2, PO BOR DIGHALI, DISTRICT- NALBARI, ASSAM, PIN
781334

VERSUS

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

2:THE DIRECTOR OF HEALTH

ASSAM
HENGRABARI
GUWAHATI-19

3:THE JOINT DIRECTOR OF HEALTH SERVICES

NALBARI DISTRICT
NALBARI
ASSAM
PIN 781335

4:THE SUB DIVISIONAL MEDICAL AND HEALTH OFFICER
KAMARKUCHI BLOCK PRIMARY HEALTH CENTRE
KAMARKUCHI
NALBARI
ASSAM
PIN 78134

Advocate for the Petitioner : MR. I H SAIKIA, MR. K KALITA,MR K KASHYAB,MR. B BORAH

Advocate for the Respondent : SC, HEALTH,

**BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR**

ORDER

Date : 11.02.2026

Heard Mr. I. H Sakia, learned counsel for the petitioner and also heard Mr. D.P. Bora, learned Standing counsel for the Health Department/respondents.

The learned counsel for the petitioner has submitted that the petitioner has sought for an accommodation in the district of Nalbari or any other nearby district since his wife is serving at Nalbari.

The learned Standing counsel for the Health & Family Welfare department has produced the instruction showing that no vacancy of Multipurpose Worker (Male) is available as sought for by the petitioner after filing of the writ petition.

Mr. I.H Saikia, learned counsel for the petitioner has submitted that a post of MPW at North Guwahati and another post at Rangia had fallen vacant on 31.12.2025 and 31.01.2026.

Mr. Bora, learned Standing counsel has produced the instruction to the effect that the post which fall vacant on 31.12.2025 has already been filled up by the department by order dated 05.01.2026 and the post at North Guwahati was filled up by the approval order dated 09.02.2026. It is specific stand in the instruction that both the approval were processed before the Court order dated 22.01.2026. The instruction do not reveals when was the process started or that the process was taken up even before the petitioner had initiated the writ petition.

Mr. I.H Saikia, learned counsel for the petitioner has placed before this Court the order dated 04.02.2026 by which one Musfaful Hussain working under Udharband BPHC was allowed to work under attachment under the disposal of the Joint Director, Health Services, Nalbari with immediate effect. This is said to be with the approval of the competent authority of the Health & Family Welfare department.

Mr. Bora, learned Standing counsel further makes a submission that there is no right in the petitioner to seek his posting in a particular place and it is solely the discretion of the administrative authority to post any person anywhere without considering the requirement or the prayer made by the petitioner. He further submits that the earlier prayer of the petitioner for a spouse posting had already been considered by the speaking order rejecting his prayer and is already on record, which is under challenge. Mr. Bora, learned Standing counsel has also read out the contents of the speaking order.

On the next date fixed, Mr. Bora, learned Standing counsel shall apprise this Court the contents of the letter vide ECF No. 684638 dated 29.01.2026 and also the copy of the approval of the competent authority of the Health & Family Welfare department allowing Musfaful Hussain to work under the attachment in the establishment of the Joint Director of Health Services, Nalbari who has been brought from the establishment of the Joint Director of Health Services Cachar to the Udharband BPHC.

List this matter again on **27.02.2026**.

JUDGE

Comparing Assistant