

GAHC010239162024



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

Case No. : WP(C)/6016/2024

DHRUBA JYOTI CHETIA
SON OF SHRI CHITRADHAR CHETIA,
R/O QR. NO. TYPE VI/A1 LOKOPRIYA GOPINATH BORDOLOI, REGIONAL
INSTITUTE OF MENTAL HEALTH, KALIBARI, TEZPUR, P.O. AND P.S.
TEZPUR, PIN-784001, DIST. SONITPUR, ASSAM

VERSUS

THE UNION OF INDIA AND 6 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF HEALTH AND FAMILY WELFARE, NIRMAN BHAVAN, NEW
DELHI-110011.

2:THE CHAIRMAN
EXECUTIVE COUNCIL

LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH
REPRESENTED BY THE SECRETARY
HEALTH AND FAMILY WELFARE
GOVERNMENT OF INDIA
NIRMAN BHAVAN
NEW DELHI-110011.

3:THE LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF
MENTAL HEALTH

REPRESENTED BY ITS DIRECTOR
TEZPUR
DIST. SONITPUR
ASSAM
PIN-784001.

4:THE DIRECTOR LOKOPRIYA GOPINATH BORDOLOI REGIONAL
INSTITUTE OF MENTAL HEALTH

TEZPUR
SONITPUR
ASSAM
PIN-784001

5:DR JYOTI HAZARIKA
OFFICIATING DIRECTOR
LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH
TEZPUR
SONITPUR
ASSAM
PIN-784001

6:DR. SAILENDRA KUMAR DEURI

EX- DIRECTOR
LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH
TEZPUR
SONITPUR
ASSAM
PIN-784001

7:DR. HEMANTA DUTTA
OSD
DEPUTY DIRECTOR
LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH
TEZPUR
SONITPUR
ASSAM
PIN-78400

Advocate for the Petitioner : MR K K MAHANTA (Sr. Advocate), MR S GAUTAM,MR. K K
PHUKAN

Advocate for the Respondent : DY.S.G.I., SC, L G B R I M H

Linked Case : WP(C)/5114/2024

DR. DHRUBA JYOTI CHETIA
S/O SRI CHITRADHAR CHETIA

PRESENTLY RESIDING AT QTR NO. TYPE VI/A1
LOKOPRIYA GOPINATH BORDOLOI ISNTITUTE OF MENTAL HEALTH
KALIBARI
TEZPUR
P.O. AND P.S.- TEZPUR
PIN- 784001
DISTRICT- SONITPUR
ASSAM.

VERSUS

THE UNION OF INDIA AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
NIRMAN BHAWAN
NEW DELHI- 110011.

2:THE CHAIRMAN
EXECUTIVE COUNCIL
LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL
HEALTH
REPRESENTED BY THE SECRETARY

HEALTH AND FAMILY WELFARE

GOVERNMENT OF INDIA

NIRMAN BHAWAN
NEW DELHI- 110011.

3:THE LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF
MENTAL HEALTH
REPRESENTED BY ITS DIRECTOR

TEZPUR
DISTRICT- SONITPUR

ASSAM
PIN- 784001.

4:DR. SAILENDRA KUMAR DEURI
APPOINTING AUTHORITY

DIRECTOR

LOKOPRIYA GOPINATH BORDOLOI ISNTITUTE OF MENTAL HEALTH
KALIBARI
TEZPUR
P.O. AND P.S.- TEZPUR
PIN- 784001
DISTRICT- SONITPUR
ASSAM.

Advocate for : MR K K MAHANTA (Sr. Advocate)
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 3 ORS

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 25-11-2024

Heard Mr. K.K. Mahanta, learned Sr. counsel assisted by Ms. N. Begum, learned counsel for the writ petitioner in both these writ petitions. Also heard Mr. K. Gogoi, learned CGC appearing for the respondent Nos. 1 and 2 and Mr. A.K. Dutta, learned CGC appearing for the respondent No. 3. Mr. K.N. Choudhury, learned Sr. counsel assisted by Ms. R.R. Kakati, learned counsel has appeared for the respondent No. 4 in W.P.(C) No. 5114/2024 and for respondent No. 6 in W.P.(C) No. 6016/2024.

Mr. K.K. Mahanta, learned Sr. counsel for the petitioner submits that although respondent Nos. 5 and 7 were impleaded in W.P.(C) No. 6016/2024, yet, their presence may not be necessary for a just decision on the legal issue raised in the writ petition. As such, Mr. Mahanta has sought deletion of the names of respondent Nos. 5 and 7 from the array of parties.

Prayer allowed.

The names of respondent Nos. 5 and 7 be struck off from the array of parties in W.P.(C) No. 6016/2024.

Petitioner's counsel to file amended cause title in this case.

In view of the above, both the writ petitions are deemed to be ready as regards service.

The petitioner has challenged the order dated 17-09-2024 by means of which, he was sent on retirement on completing 55 years of age and also the subsequent order dated 05-11-2024 confirming the order dated 17-09-2024, *inter alia*, contending that the impugned orders have been issued dehors the authority of law and in a completely arbitrary and illegal manner.

Issue notice of motion returnable on 17-12-2024.

Since parties are already represented, no formal notice is required to be sent in this case.

Extra copies of the writ petition, requisite in numbers, be furnished to the learned counsel for the respondents, if not already done.

In view of the request made by Mr. K.K. Mahanta, learned Sr. counsel, this Court is willing to post the matter for final disposal at an early date.

Mr. Dutta, learned CGC submits that a week's time be granted to him to file counter affidavit.

Prayer is allowed.

Mr. Mahanta has prayed for an interim order reinstating his client or to fix the matter for early hearing. Since the petitioner is out of service, this Court is of the opinion that there is some urgency in the matter.

In view of the above and on the request of learned counsel for both the sides, these writ petitions are directed to be listed again on 17-12-2024, on top of the list, as fixed items, for admission hearing.

Respondents to file their pleadings on or before 02-12-2024 by serving advance copy upon the petitioner's counsel, if so advised.

Petitioner may file rejoinder within 07 days thereafter, if so desired.

The writ petitions will be taken up for disposal at the stage of admission hearing.

Respondents' counsel to come prepared with the departmental records, on the next date fixed.

List accordingly.

JUDGE

GS

Comparing Assistant