

GAHC010115142025



2026:GAU-AS:518

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

Case No. : WA/211/2025

1: KAMOLESH DAS AND 3 ORS.
SON OF PRNOBESH SHIL, RESIDENT OF GAURIPUR, WARD NO. 2, P.O
AND P.S- GAURIPUR, DISTRICT- DHUBRI, ASSAM, PIN-783331.

2: SHAHAJAHAN RAHMAN
S/O AFIZUR RAHMAN VILL. CHAGALCHARA PT-III
P.S. DHUBRI DIST. DHUBRI ASSAM PIN 783331

3: MOBASHIR ALOM
S/O TAZUDDIN AHMED R/O BIDYAPARA PT-2
COLLEGE ROAD P.S. DHUBRI DIST. DHUBRI ASSAM PIN 783301

4: AMINUR RAHMAN PRADHANI
S/O ACHIM UDDIN PRADHANI
VILL. DEBOTTAR HASDOHA PT-6 PIN 78333

VERSUS

1: THE UNION OF INDIA AND 9 ORS. TO BE REPRESENTED BY THE
SECRETARY GOVT. OF INDIA, MINISTRY OF HEALTH AND FAMILY
WELFARE, NIRMAN BHAWAN, NEW DELHI-110011.

2: THE DIRECTOR GENERAL (PH) DIRECTORATE OF HEALTH SERVICES
GOVT. OF INDIA NIRMAN BHAWAN NEW DELHI 110011

3: DEPUTY DIRECTOR (ADMINISTRATION) DIRECTORATE GENERAL OF
HEALTH SERVICES GOVT. OF INDIA NIRMAN BHAWAN NEW DELHI 110011

4: THE STATE OF ASSAM REPRESENTED BY COMMISSIONER AND SECY.
TO THE GOVT. OF ASSAM HEALTH AND FAMILY WELFARE DEPTT.
DISPUR GUWAHATI 781006

5: THE JOINT SECY. TO THE GOVT. OF ASSAM HEALTH AND FAMILY
WELFARE DEPTT. DISPUR GUWAHATI 06

6:DIRECTOR OF HEALTH SERVICES
ASSAM HENGRABARI GUWAHATI 36

7:THE DEPUTY COMMISSIONER
DHUBRI P.O. AND DIST. DHUBRI ASSAM PIN 783301

8:JOINT DIRECTOR OF HEALTH SERVICES CUM MEMBER SECY. DIST.
HEALTH SOCIETY DHUBRI DIST. P.O. AND DIST. DHUBRI ASSAM PIN
783301

9:THE SUPERINTENDENT DHUBRI CIVIL HOSPITAL
DHUBRI DIST. DHUBRI (ASSAM) PIN 783324

10:HOSPITAL MANAGEMENT SOCIETY DHUBRI CIVIL HOSPITAL
REPRESENTED BY ITS CHAIRMAN CUM DEPUTY COMMISSIONER
DHUBRI P.O. AND DIST. DHUBRI ASSAM PIN 78330

Linked Case : WA/6/2026

1: SHIMA AHMED
DAUGHTER OF SADAT AHMED RESIDENT OF VILLAGE- AYRANJONGLA
PART-3 P.O- A.M.CO. ROAD PIN-783323 PS AND DIST- DHUBRI ASSAM
MOBILE NO.8811962934.

VERSUS

1: THE UNION OF INDIA AND 9 ORS. REPRESENTED BY THE SECRETARY TO
THE GOVT. OF INDIA MINISTRY OF HEALTH AND FAMILY WELFARE
NIRMAN BHAWAN NEW DELHI-110011.

2:THE DIRECTOR GENERAL (PH) DIRECTORATE GENERAL OF HEALTH
SERVICES GOVT. OF INDIA NIRMAN BHAWAN NEW DELHI 110011

3:THE DEPUTY DIRECTOR (ADMN.) DIRECTORATE GENERAL OF HEALTH
SERVICES GOVT. OF INDIA NIRMAN BHAWAN NEW DELHI 110011

4:THE STATE OF ASSAM REPRESENTED BY COMMISSIONER AND SECY. TO
THE GOVT. OF ASSAM HEALTH AND FAMILY WELFARE DEPTT. DISPUR
GUWAHATI 781006

5:THE JOINT SECY. TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE DEPTT. DISPUR GUWAHATI 781006

6:THE DIRECTOR OF HEALTH SERVICES
ASSAM HENGRABARI GUWAHATI 781036

7:THE DIST. COMMISSIONER
DHUBRI P.O. AND DIST. DHUBRI ASSAM PIN 783301

8:JOINT DIRECTOR OF HEALTH SERVICES CUM MEMBER SECRETARY
DIST. HEALTH SOCIETY DHUBRI DIST. P.O. AND DIST. DHUBRI ASSAM
PIN 783301

9:THE SUPERINTENDENT DHUBRI CIVIL HOSPITAL
DHUBRI DIST. DHUBRI (ASSAM) PIN 783324

10:HOSPITAL MANAGEMENT SOCIETY DHUBRI CIVIL HOSPITAL
REPRESENTED BY ITS CHAIRMAN CUM DEPUTY COMMISSIONER
DHUBRI P.O. AND DIST. DHUBRI ASSAM PIN 783301

Linked Case : WA/7/2026

MOFIZUL HOQUE
SON OF DULU SHEIKH RESIDENT OF VILLAGE- MAJERCHAR
P.O- FALIMARI DISTRICT- DHUBRI ASSAM MOBILE NO- 6901655161.

VERSUS

1: THE UNION OF INDIA AND 9 ORS.REPRESENTED BY THE SECRETARY TO
THE GOVERNMENT OF INDIA MINISTRY OF HEALTH AND FAMILY
WELFARE NIRMAL BHAWAN NEW DELHI-110011.

2:THE DIRECTOR GENERAL (PH)DIRECTORATE GENERAL OF HEALTH
SERVICES GOVT. OF INDIA NIRMAL BHAWAN NEW DELHI 110011

3:THE DEPUTY DIRECTOR (ADMN.) DIRECTORATE GENERAL OF HEALTH
SERVICES GOVT. OF INDIA NIRMAL BHAWAN NEW DELHI 110011

4:THE STATE OF ASSAM REPRESENTED BY COMMISSIONER AND SECY. TO
THE GOVT. OF ASSAM HEALTH AND FAMILY WELFARE DEPTT. DISPUR
GUWAHATI 781006

5:THE JOINT SECY. TO THE GOVT. OF ASSAM HEALTH AND FAMILY
WELFARE DEPTT. DISPUR GUWAHATI 781006

6:THE DIRECTOR OF HEALTH SERVICES
ASSAM HENGABARI GUWAHATI 781036

7:THE DEPUTY COMMISSIONER
DHUBRI P.O. AND DIST. DHUBRI ASSAM PIN 783301

8:JOINT DIRECTOR OF HEALTH SERVICES CUM MEMBER SECY. DIST.
HEALTH SECY. DHUBRI DIST. P.O. AND DIST. DHUBRI (ASSAM) PIN 783301

9:THE SUPERINTENDENT DHUBRI CIVIL HOSPITAL
DHUBRI DIST. DHUBRI ASSAM PIN 783324

10:HOSPITAL MANAGEMENT SOCIETY DHUBRI CIVIL HOSPITAL
REPRESENTED BY ITS CHAIRMAN CUM DEPUTY COMMISSIONER
DHUBRI P.O. AND DIST. DHUBRI ASSAM PIN 783301

For the Appellant(s) : Mr. H.R.A. Choudhury, Sr. Advocate, assisted by Mr. A.Z. Ahmed and Mr. S. Alim, Advocates.

For the Respondent(s) : Mr. D. Saikia, Advocate General, Assam, assisted by Mr. D.P. Borah, Standing Counsel, Health & Family Welfare Department and Ms. R. Barua, Advocate.

- B E F O R E -

**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

19.01.2026

(Ashutosh Kumar, CJ)

Pursuant to the orders dated 15.09.2025 and 18.11.2025 passed by this Court, a reconsideration about the cases of the appellants were made, especially in view of the undertaking/commitment made by the State Government in the Memorandum of Understanding (MoU) between the Ministry of Health & Family Welfare, Government of India and the State of Assam.

In the affidavit filed by the State on 08.01.2026, it has been clarified that there could be no regularization or regular appointment against the sanctioned posts of the appellants or else it would entail practical and administrative difficulties and would also not be in strict consonance with the law of the land.

However, the State is willing to consider the engagement of the appellants strictly in accordance with the existing norms applicable to

the fixed pay employees working in various other Departments of the Government. In that case, their engagement shall be governed by the prevailing Rules applicable to fixed pay employees regarding salary fixation, other related service benefits and the age of superannuation, which would be 60(sixty) years.

The State has further clarified through the affidavit that if the appellants are engaged, their services would be utilized within the Health & Family Welfare Department or Medical Education & Research Department or any other Department, as may be required from time to time, depending upon the administrative exigencies.

We need to further specify that such a concession has been made by the State strictly for the reason of the commitment undertaken by the State in the year 2010 as reflected in the Memorandum of Undertaking executed between the Ministry of Health & Family Welfare, Government of India and the Government of Assam for implementation of the National Programme for Prevention & Management of Burn Injuries.

We appreciate the stand of the State in acknowledging the experience of the appellants and also, as far as possible, respecting the commitment made vide Memorandum of Understanding between the two entities, which would not only benefit the appellants but would also provide trained working force in the medical field.

With the afore-noted stand of the State Government, we close these appeals with the hope and expectation that the appellants shall be engaged within a period of 45(forty-five) days under the terms and conditions specified in the affidavit.

The appeals stand disposed off accordingly.

JUDGE

CHIEF JUSTICE

Comparing Assistant