

GAHC010286582025



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

Case No. : WP(C)/7458/2025

BIJAY KR. SARMA
S/O- SRI NARAYAN PRASAD SARMA, R/O- ODALBAKRA, P.O. LALGANESH,
DIST. KAMRUP (M), ASSAM, PIN- 781034.

VERSUS

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

2:THE SECRETARY
MEDICAL AND HEALTH RECRUITMENT BOARD
OFFICE OF THE DIRECTOR OF MEDICAL EDUCATION
SIXMILE
KHANAPARA
GUWAHATI-781022.

3:THE DIRECTOR OF MEDICAL EDUCATION
ASSAM
SIXMILE
KHANAPARA
GUWAHATI-781022.

4:THE SECRETARY TO THE GOVT. OF ASSAM
PERSONNEL DEPARTMENT
DISPUR
GUWAHATI-6

Advocate for the Petitioner : MR. R SARMA, MR. J K ROY

Advocate for the Respondent : GA, ASSAM, SC, HEALTH

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

19.12.2025

Heard Mr. R. Sarma, learned counsel for the petitioner.

This petition is filed by the petitioner, who is a person qualified to apply for the post of Assistant Professor (Ayurveda) Kayachakitsa in terms of the advertisement issued by the Medical and Health Recruitment Board, Assam dated 11.12.2025. The petitioner is a postgraduate in Ayurveda from a recognized institute or a medical college, university. The petitioner's grievance is that notwithstanding the OM dated 04.07.2023, whereby the upper age limit for entering into Government Services in the entry level posts of Senior Resident / Tutors / Demonstrator / Registrar / Resident Surgeon / Resident Physician etc. at various Medical Colleges of Assam have been raised to 45 years. The petitioner submits that notwithstanding the said OM, the upper age limit in the advertisement has been shown to be 38 years as on 01.01.2025 and the last date for filing the application is 05.01.2026.

It is submitted that the petitioner being a qualified person having satisfied the eligibility criteria should be permitted to apply for the said post in terms of the Government OM. However, the same not having been done, the petitioner has approached this Court. It is submitted that he has also filed an application before the Secretary, Medical and Health Recruitment Board, Assam on 19th of December 2025, ventilating his grievances. However, that has not been redressed by the concerned department.

Mr. B. Gogoi, Addl. Advocate General appearing for the respondents submits that since no instructions are available today, he would like to obtain instructions and today being the last Court working day, the matter be fixed on the reopening day, which is 05.01.2026 and which is also the last date for submission of the application forms. It is submitted that if, in the meantime, the department, decides to enhance the upper age limit as prescribed in the OM dated 04.07.2023, the petitioner would be in a position to submit his online application on 05.01.2026.

Considering the submissions made, this Court is of the view that since the applications are required to be made online in terms of the advertisement therefore, unless the necessary changes are effected in the website, the application furnished by the petitioner may not be accepted.

Under such circumstances, this Court considers it appropriate to have the matter be listed again on 05.01.2026, by which date the respondent counsel will apprise the Court as to any orders that may have been passed by the department regarding the raising of the upper age limit to the age of 45 years in respect of persons having postgraduate qualification in Ayurveda like that of the petitioner.

Although notices are not issued at this stage, the extra copies of the writ petition will be furnished on the learned counsel for the respondents within the course of the day.

It is also made clear that the pendency of the writ petition shall not be a bar for the respondents to dispose of the representation dated 19th of December 2025.

List accordingly on 05.01.2026 as the 1st item.

JUDGE

Comparing Assistant