

GAHC010286582025



2026:GAU-AS:64

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(s): Mr. R Sarma

Advocate for the respondent(s): Mr. B Gogoi, Addl. AG. Assam

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

05.01.2026

Heard Mr. R Sarma, the learned counsel appearing on behalf of the petitioner. I have heard Mr. B Gogoi, the learned Advocate General, Assam, who also appears on behalf of the Health and Family Welfare Department, Govt. of Assam.

2. The petitioner herein has sought for a writ in the nature of mandamus directing the respondents to raise the upper age limit of the applicant for the post of Assistant Professor in the Advertisement bearing No. MHRD/70/GAC/Asst.Prof/2025/4748 dated 11.12.2025. The basis on which the petitioner has sought for the writ in the nature of mandamus is on account of the Office Memorandum dated 04.07.2023.

3. The learned counsel appearing on behalf of the petitioner has submitted before this Court that prior to the present advertisement, another advertisement was issued on 16.03.2023 wherein the upper age limit for the post of Assistant Professor was 45 years.

4. It is seen from the records that this Court sought for instructions from the respondents vide an order dated 19.12.2025. In pursuance to that, Mr. B Gogoi, the learned Additional Advocate General, Assam has placed before this Court a set of instructions which is kept on record and marked with the letter 'X'.

5. From a perusal of the said instructions, it is seen that the advertisement is

in terms with the *Assam Ayurvedic Education Services Rules, 2023* as notified vide the Notification dated 21.08.2023 and, more particularly, Rule 7 which categorically mandates that a candidate for direct recruitment to the service of Assistant Professor shall not be more than 38 years as on 1st January of the year of recruitment or as per National Commission for Indian System of Medicine norms as applicable.

6. It is also mentioned that the Office Memorandum dated 04.07.2023 is only in respect to raising the upper age limit for entering into entry level posts of Senior Resident /Tutors/Demonstrator /Registrar /Resident Surgeon/ Resident Physician etc. at various Medical Colleges of Assam to 45 years irrespective of category of applicants and in the said Office Memorandum, there is no mention as regards raising the upper age limit for recruitment of Assistant Professors in the Ayush Colleges.

7. The learned counsel appearing on behalf of the petitioner, therefore, submitted that in view of the said set of instruction(s), which is kept on record and marked with the letter 'X', the petitioner would like to withdraw the instant writ petition with a liberty to refile, if so advised.

8. Taking into account the above, the instant writ petition, therefore, stands closed on withdrawal.

9. However, liberty is given to the petitioner to refile by challenging the advertisement dated 11.12.2025, if so advised.

JUDGE

Comparing Assistant