



GAHC010256042023



2026:GAU-AS:1074-

DB

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

**Case No. : WA/428/2023**

NARAYAN PRASAD RABHA AND 16 ORS  
S/O- LATE RAMCHANDRA PRASAD RABHA, VILL- MATIA, PO- MATIA, PIN-  
783125, DIST- GOALPARA.

2: UTPAL JYOTI KALITA  
S/O- BASUDHAR KALITA  
VILL- SUTERKUCHI

P.O.- PINGALESHWAR  
DIST.- KAMRUP.

3: JYOTI PRAKASH BARUAH  
S/O- GIRISH CH. BARUAH  
VILL- BORAH TOLAHATO  
P.O.-HAJO  
PIN- 781102

4: KALYAN DAS  
S/O- LATE PRANESWAR DAS  
VILL- BANIAPARA  
PO- GOALPARA  
PIN- 783101  
DIST- GOALPARA

5: DINANATH RAJBHAR  
S/O- LATE SARJU PD. RAJBHAR  
VILL- SHASTRINAGAR  
PO- GOALPARA  
PIN- 783121  
DIST- GOALPARA

6: RASHIDUL ALOM  
S/O- AKKASH ALI



VILL- KHUDRAFALADI  
PIN- 781305  
PO- BHOGDIA  
DIST-BARPETA

7: MINA RABI DAS  
S/O- LATE SUMER RABI DAS  
VILL- SHA STRINAGAR  
PO- GOALPARA  
PIN- 783121  
DIST-GOALPARA

8: RAMEN DAS  
S/O- LT. HARI DAS  
VILL- BARSIBHANI  
PO- BAGHMARA BAZAR  
P.S- BARPETAPIN- 783101  
DIST- BARPETA

9: JOY PRAKASH RABI DAS  
S/O- LT. SUMER RABI DAS  
VILL- SHA STRINAGAR  
PO-BALADMARI P.S-GOALPARA  
PIN- 783121DIST- GOALPARA.

10: JEET DAS  
S/O- KARTIK DAS  
VILL- NARSHINGBARI  
PO-GOALPARA  
P.S-GOALPARA  
PIN- 783121  
DIST- GOALPARA

11: PABAN PATHAK  
S/O- RATNESWAR PATHAK  
VILL- NAGAON  
COLLEGE ROAD  
PO- NAGAON  
P.S- NAGAONPIN- 781311  
DIST- BARPETA

12: SANKAR DEY  
S/O- RATAN DEY  
VILL- J.N. ROADPO  
PS ANDDIST- GOALPARA  
PIN- 783101

13: SHOBHAN KUMAR NATH



S/O- TIKAL CH. NATH  
VILL-GAROBHATKHAWA PO- BHAGBwan  
PIN- 783129 DIST- GOALPARA

14: KANAK CH. GHOSH  
S/O LT. ANIL CH. GHOSH

VILL.- GOALTULI  
P.O.- GOALPARA  
P.S.- GOALPARA  
PIN- 783101  
DIST.- GOALPARA.

15: SANKAR RABI DAS  
S/O LT. SUMER RABI DAS

VILL.- SHA STRINAGAR  
P.O.- BALADMARI  
P.S.- GOALPARA  
PIN- 783121  
DIST.- GOALPARA.

16: DHANJIT DAS  
S/O LT. GOBARDHAN DAS

VILL.- GANAK KUCHI  
P.O.- BARPETA  
P.S.- BARPETA  
PIN- 781301  
DIST.- BARPETA.

17: DHIRAJ RABHA  
S/O LT. PHUKAN RABHA

VILL.- BAPUJINAGAR  
P.O.- BALADMARI  
P.S.- GOALPARA  
PIN- 783121  
DIST.- GOALPARA

VERSUS

THE STATE OF ASSAM AND 4 ORS (A)  
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF  
ASSAM, HEALTH AND FAMILY WELFARE (A) DEPARTMENT, DISPUR,  
GUWAHATI- - 781006, ASSAM.

2:THE SECRETARY



TO THE GOVERNMENT OF ASSAM  
HEALTH AND FAMILY WELFARE (A) DEPARTMENT  
DISPUR  
GUWAHATI- - 781006  
ASSAM.

3:THE DIRECTOR OF HEALTH SERVICES  
HENGRAVARI  
GUWAHATI- - 781036  
KAMRUP (M) ASSAM.

4:THE JOINT DIRECTOR OF HEALTH SERVICES  
GOALPARA  
ASSAM.

5:THE SCREENING COMMITTEE  
REPRESENTED BY THE CHAIRMAN (ADDITIONAL DIRECTOR OF HEALTH  
SERVICES)  
HENGRAVARI  
GUWAHATI- 3

**Advocate for the Petitioner** : MR R SINGHA, MR R SINGHA,MS S PATOWARY

**Advocate for the Respondent** : SC, HEALTH,

Linked Case : WA/429/2023

LOMBIT KONWAR AND 16 ORS.  
S/O. SRI NUMAL KONWAR  
R/O. JAMIRAH GOHAIN GAON  
P.O. BEHEATING  
DIBRUGARH.

2: MUJIBUR RAHMAN  
S/O. APSER RAHMAN  
VILL. 2 NO. BHARGAJ  
P.O. DEHING TIHAN  
P.S. DEMOW  
SIVASAGAR-786571.

3: GOJEN SAIKIA  
S/O. LT. BIRAN SAIKIA  
R/O. KONWARI GAON



P.O. KONWARIGAON  
DIBRUGARH-786615.

4: JYOTIMONI BARUAH  
W/O. BAPUTI BARUAH  
R/O. MANCOTTAK ACHARIBARI  
P.O. MANCOTTA  
DIBRUGARH-786003.

5: LOPU SONOWAL  
S/O. BINU SONOWAL  
R/O. NO.1 CHARAIBAHI GAON  
P.O. KOLOWLAWA  
P.S. KHOWANG  
DIBRUGARH-785676.

6: MRIDUL BARUAH  
S/O. LT. ANARAM BARUAH  
R/O. JAJALI HABI GAON  
P.O. BANAMALI  
P.S. KAKATIBARI  
SIVASAGAR-785689.

7: RAJIB GOGOI  
S/O. LT. JAYKANTA GOGOI  
R/O. JAMIRAH KAPOW GAON  
P.O. DHAMALGAON  
DIBRUGARH  
PIN-786004.

8: SRIMATI REKHAMONI BAGREE  
D/O. LT. ROBIN BAGREE  
R/O. MANCOTTA TEPOR GAON  
P.O. MANCOTTA  
DISBRUGARH-786003.

9: TAPAN DEKA  
S/O. SRI BANESWAR DEKA  
R/O. PARBATIA ROAD  
TINSUKIA  
P.S. AND DIST. TINSUKIA-786125.

10: TRALYA BORAH  
S/O. SRI DAYANANDA BORAH  
R/O. BHATI NAMDANG VILL.  
P.O. CHAHARIKATA  
DIBRUGARH-785676.



11: CHANDAN CHETRY  
S/O. SRI SHYAM CHETRY  
R/O. CHOWKIDINGEE  
UDAYPUR P.O.- C.R. BUILDING  
DIBRUGARH  
786003.

12: BIJOY CH. DAS  
S/O. SRI NAREN CH. DAS  
R/O. GRAHAM BAZAR  
P.O. GRAHAM BAZAR  
DIBRUGARH-786001.

13: SRIMATI RITUMONI KALITA BORA  
W/O. SRI KULA BORA  
R/O. BERRY WHITE COLONY  
P.O. AND DIST. DIBRUGARH.

14: GULAP HAZARIKA  
S/O. LT. JITRAM HAZARIKA  
R/O. MESLOW GAON  
P.O. MESLOW  
DIBRUGARH.

15: SRIMATI OMSHREE KALITA  
D/O. SRI NALIN KALITA  
R/O. LATHA GAON  
P.O. DERGAON  
GOLAGHAT.

16: HITENDRA BHARALI  
S/O. SRI ROMESH CH. BHARALI  
R/O. CHABUWA D WARD  
P.O. CHABUR  
DIBRUGARH.

17: TUTU SONOWAL  
S/O. LT. PRAFULLA SONOWAL  
R/O. ROWMARI KACHARI GAON  
P.O. BEHEATING TINIALI  
DIBRUGARH.  
VERSUS

THE STATE OF ASSAM AND 4 ORS. E  
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM  
HEALTH AND FAMILY WELFARE (A) DEPTT.  
DISPUR  
GUWAHATI-781006



ASSAM.

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM

HEALTH AND FAMILY WELFARE (A) DEPTT.  
DISPUR  
GUWAHATI-781006  
ASSAM.

3:THE DIRECTOR OF HEALTH SERVICES

HENGRABARI  
GUWAHATI-781036  
KAMRUP (M)  
ASSAM.

4:THE JOINT DIRECTOR OF HEALTH SERVICES

DIBRUGARH  
GUWAHATI-781036  
ASSAM.

5:THE SCREENING COMMITTEE

REP. BY THE CHAIRMAN (ADDL. DIRECTOR OF HEALTH SERVICES)  
HANGRABARI  
GUWAHATI-36.

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Advocate for : MR M GOSWAMI  
Advocate for : SC  
HEALTH appearing for THE STATE OF ASSAM AND 4 ORS. E

Linked Case : WA/453/2023

JAYANTA HAZARIKA AND 19 ORS  
S/O. LT. BISHNU HAZARIKA  
R/O. CHIRANG CHAPORI  
P.O. DIBRUGARH  
DIST. DIBRUGARH-786001.

2: BASISHTA KALITA  
S/O. LT. DHARANI DHAR KALITA  
R/O. VILL. AND P.O. LAWPARA  
DIST. NALBARI-781126.

3: MANAB JYOTI BAGLARI



S/O. SRI SUNANDA BAGLARI  
R/O. ROWMARI KACHARI GAON  
P.O. BEHEATING  
DIBRUGARH-786004.

4: MILON DEKA  
S/O. SRI BHABEN DEKA  
R/O. GRAHAM BAZAR  
P.O. GRAHAMBAZAR  
DIBRUGARH-786001.

5: RAJESWAR DEKA  
S/O. SRI BHABEN DEKA  
R/O. GRAHAM BAZAR  
BERRY WHITE COLONY  
DIBRUGARH-786001.

6: SEEMA BARUAH KHOUND  
C/O. PUSPA BARUAH  
R/O. DIBRUJAN  
P.O. JALAN NAGAR  
DIBRUGARH-786005.

7: TRAILUKYA GOGOI  
S/O. LT. BIREN GOGOI  
R/O. 2 NO. GHURANIA GAON  
P.O. TINGKHONG  
DIBRUGARH-786612.

8: TRALOKYA SONOWAL

S/O. LT. GAJEN SONOWAL  
R/O. MANCOTTA TEPOR GAON  
P.O. MANCOTTA  
DIBRUGARH-786003.

9: ANUP GOGOI

S/O. LT. ARUN GOGOI  
R/O. BARPATHAR KONWARGAON  
P.O. BEHEATING TINIALI  
DIBRUGARH-786004.

10: SRIMATI BANDANA RAO  
W/O. SRI ROBIN RAO  
R/O. KHALIHAMARI  
RED CROSS ROAD  
DIBRUGARH-786001.



11: KALYAN GOGOI  
S/O. ARUN CH. GOGOI  
R/O. BORPATHER KONWAR GAON  
P.O. BEHEATING TINIALI  
DIBRUGARH.

12: NABA JYOTI GOGOI  
S/O. SRI KUMUD CH. GOGOI  
R/O. NATUN TAKELA GAON  
P.O. MOHANAGHAT  
DIBRUGARH.

13: ABHIJIT DAS

S/O. SRI ARABINDA DAS  
R/O. MANCOTTA TOMTOMTULLA  
HATIMURA  
P.O. MANCOTTA  
DIBRUGARH.

14: MANUJ BARUAH  
S/O. SRI LALIT BARUAH  
R/O. LAPETKATA KACHARI GAON  
P.O. BARBARUAH  
DIBRUGARH.

15: DULEN SONOWAL  
S/O. LT. MEGHA SONOWAL  
R/O. LEPATKATTA KACHARI GAON  
P.O. BARBARUAH  
DIBRUGARH.

16: HARI NARAYAN SAIKIA  
S/O. SRI BOKUL SAIKIA  
R/O. KHOWANG ATHASARI GAON  
P.O. KHOWANG GHAT  
DIBRUGARH.

17: ASHIM RAJKHWA  
S/O. SRI TARUN RAJKHWA  
R/O. DIMOGURI GAON  
P.O. LAIPULI  
TINSUKIA.

18: DILIP GOGOI  
S/O. SRI DIMBESWAR GOGOI  
R/O. KADAM BAGAN GAON



P.O. KADAM  
LAKHIMPUR.

19: DIPJYOTI GOGOI  
S/O. SRI RUHINI GOGOI  
R/O. NIZ MANCOTTA BOIRAGIMOTH  
P.O. BOIRAGIMOTH  
DIBRUGARH.

20: MOHAN SONOWAL

S/O. SRI MONESWAR SONOWAL  
R/O. JOKAI KALIONI GAON  
KHAMTI GHAT  
DIBRUGARH.  
VERSUS

THE STATE OF ASSAM ANDN 4 ORS. B  
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM  
HEALTH ANF FAMILY WELFARE (A) DEPTT.  
DISPUR  
GUWAHATI-781006  
ASSAM.

2:THE SECRETARY TO THE GOVT. OF ASSAM  
HEALTH AND FAMILY WELFARE (A) DEPTT.  
DISPUR  
GUWAHATI-781006  
ASSAM.

3:THE DIRECTOR OF HEALTH SERVICES  
HENGRAVARI  
GUWAHATI-781036  
KAMRUP (M)  
ASSAM.

4:THE JOINT DIRECTOR OF HEALTH SERVICES  
DIBRUGARH  
GUWAHATI-781036  
ASSAM.

5:THE SCREENING COMMITTEE

REP. BY THE CHAIRMAN (ADDL. DIRECTOR OF HEALTH SERVICES)  
HANGRAVARI



GUWAHATI-36.

-----  
Advocate for : MR. R MAZUMDAR(P-1)  
Advocate for : SC  
HEALTH appearing for THE STATE OF ASSAM ANDN 4 ORS. B

Linked Case : WA/144/2024

PRADIP BORGOHAIN AND 85 ORS  
SON OF LATE UMA KANTA BORGOHAIN  
RESIDENT OF NAMDANG GOHAIN GAON  
P.O- KUMURAJAN  
P.S- GAURISAGAR  
DISTRICT SIVASAGAR  
PIN - 785664.

2: TRIDIP BARUAH  
SON OF SRI SUCHIL BARUAH  
RESIDENT OF NAZIRA RAJAPOL HANDIQUE GAON  
P.O- RAJAPOL. P.S- NAZIRA  
DISTRICT SIVASAGAR  
PIN - 785685.

3: BISWA NARAYAN DUTTA  
SON OF SRI RAMESWAR DUTTA  
RESIDENT OF VILL AND P.O- JOYRAPAR  
PS AND DISTRICT SIVASAGAR  
PIN - 785697.

4: KESHA GOGOI  
SON OF SRI GANGADHAR GOGOI  
RESIDENT OF VILL- BANGMUKH HANDIQUE  
P.O- JOYRAPAR  
P.S AND DISTRICT SIVASAGAR  
PIN - 785640.

5: PHANIDHAR GOGOI  
SON OF SRI BUDHESWAR GOGOI  
RESIDENT OF BANMUKH HANDIQUE GAON  
P.O- JAYAPAR  
P.S AND DISTRICT SIVASAGAR  
PIN - 785640.

6: BIMAN BARUAH  
SON OF ATUL BARUAH  
RESIDENT OF RAJAPOL HANDIQUE GAON



P.O RAJAPPOOL  
P.S- NAZIRA  
DISTRICT SIVASAGAR  
PIN - 785685

7: RUHINI BURAGOHAIN  
SON OF NAGEN BURAGOHAIN  
RESIDENT OF VILL- BOKATA KHAMUN GAON  
P.O- KHAMUN  
P.S- NEMUGURI  
DISTRICT SIVASAGAR  
PIN - 785697.

8: SUMANTA BARUAH  
SON OF DAMODAR BARUAH  
RESIDENT OF VILL- CHAWDANG GAON  
P.S- CHEREKAPARA  
P.O- KUJHIBALI  
DISTRICT SIVASAGAR  
PIN - 785701.

9: PRANAB BORGOHAIN  
SON OF SRI RAMKANTA BORGOHAIN  
RESIDENT OF VILL- MECHAGAR AMKOTIA DEMOW KINAR  
P.O- AMKOTIA  
P.S- NAZIRA  
DISTRICT SIVASAGAR  
PIN - 785640.

10: PRAKASH GOGOI  
SON OF SRI PURNANANDA GOOGI  
RESIDENT OF VILL- BETBARI  
LUTHURI CHETIA  
P.O- MITHA PUKHURI  
P.S AND DISTRICT SIVASAGAR.

11: BINOD GOGOI  
SON OF BHOGESWAR GOGOI  
RESIDENT OF VILL- MOTIACHIGA KONWAR GAON  
P.O- RAJMOU  
P.S- NAZIRA  
DISTRICT SIVASAGAR  
PIN - 785685.

12: RUPAM GOGOI  
SON OF RADHA GOGOI  
RESIDENT OF VILLAGE LEZAI GAON  
P.O- NOHAT



P.S - DEMOW  
DISTRICT SIVASAGAR  
PIN - 785662.

13: DHANIRAM CHETIA  
SON OF PADU CHETIA  
RESIDENT OF VILLAGE RAJAPOL HANDIQUE GAON  
P.O- RAJAPOL  
P.S - NAZIRA  
DISTRICT SIVASAGAR  
PIN - 785685.

14: PARTHA PRATIM PHUKAN  
SON OF TIKHESWAR PHUKON  
RESIDENT OF VILLAGE BHADHARA  
P.O-KHELUA  
P.S-SIVASAGAR  
DISTRICT SIVASAGAR  
PIN - 785701

15: PRANATI PHUKAN  
DAUGHTER OFSRI BISHNU RAM PHUKAN  
RESIDENT OF VILLAGE- RIRIA  
P.O- DEMOWMUKH  
P.S- SIVASAGAR  
DISTRICT- SIVASAGAR  
PIN - 785663.

16: INAJATDDIN AHMED  
SON OF LT. NIZAMATUDDIN AHMED  
RESIDENT OF VILLAGE RIRIA  
P.O- DEMOW MUKH  
P.S AND DIST -SIVASAGAR  
PIN - 785663.

17: NABAJYOTI GOGOI  
SON OF CHANDRA KANTA GOGOI  
RESIDENT OF VILLAGE BOKATA KHAMUN GAON  
P.S- NEMUGURI  
DISTRICT- SIVASAGAR  
PIN - 785697.

18: SUROP BORGOHAIN  
SON OF SONDHAR BORGOHAIN  
RESIDENT OF P.O- KAMURAJAN  
P.S-JOYSAGAR  
DISTRICT SIVASAGAR  
PIN - 785664.



19: RUPAM DUTTA  
SON OF DEBAJYOTI DUTTA  
RESIDENT OF VILLAGE DICIAN GAON  
P.O- DHULIAPAR  
P.S-JOYSAGAR  
DISTRICT SIVASAGR  
PIN - 785640

20: MINTU SAIKIA  
SON OF PRADIP SAIKIA  
RESIDENT OF P.O- AMGURI  
P.S-AMGURI  
DISTRICT SIVASAGAR  
PIN - 785680.

21: ANUP DUTTA  
SON OF KAMAL DATTA  
RESIDENT OF VILLAGE DEMOW  
P.O- DEMOW  
P.S-DEMOW  
DISTRICT SIVASAGAR  
PIN - 785662.

22: KICHYUT BARUAH  
SON OF AMAL BARUAH  
RESIDENT OF RESIDENT OF JOYSAGAR MEDICAL COLONY  
P.S- JOYSAGAR  
DISTRICT- SIVASAGAR  
PINCODE- 785640.

23: EKANTA DUTTA  
SON OF DEBA DUTTA  
RESIDENT OF JOYSAGAR MEDICAL COLONY  
P.S- JOYSAGAR  
DISTRICT- SIVASAGAR  
PINCODE- 785640.

24: RUKHESWAR GOGOI  
SON OF MOHENDRA GOGOI  
RESIDENT OF VILLAGE CHETIA KOIBARTTA  
P.O- MITHAPUKHURI  
DISTRICT SIVASAGR  
PIN - 785697.

25: PABITRA GOGOI  
SON OF DIMBESWAR GOGOI  
RESIDENT OF VILLAGE METEKA KUSHUNAGAR



P.O- METEKA  
P.S-SIVASAGAR  
DISTRICT SIVASAGAR  
PIN - 785640.

26: KANCHAN KUMER DEHINGIA  
SON OF TUPIDHAR DEHINGIA RESIDENT OF VILLAGE CHERKAPAR  
KHELUA GAON  
P.O- CHEREKIPAR  
IN THE DISTRICT OF SIVASAGAR  
PIN- 785640.

27: MANAKH KONWAR  
SON OF BHUBAN KONWAR RESIDENT OF VILLAGE MECHAGAR  
BURAGOHAIN GAON  
P.O- MECHAGARH  
P.S.- NAZIRA  
IN THE DISTRICT OF SIVASAGAR  
PIN- 785685.

28: MONI BORA  
DAUGHTER OF BROJEN BORA RESIDENT OF VILLAGE BOHUABARI  
P.O- BAMRAJABARI  
IN THE DISTRICT OF SIVASAGAR  
PIN- 785671.

29: SHIMA GOGOI  
SON OF LATE THUKESHWOR GOGOI RESIDENT OF VILLAGE DIBRUAL  
P.O- BORBORUAH  
IN THE DISTRICT OF SIVASAGAR  
PIN- 785640.

30: SANTANU BORGOHAIN  
SON OF LATE GUBIN CHANDRA BORGOHAIN RESIDENT OF  
P.O- AMKATIA  
P.S- NAZIRA  
IN THE DISTRICT OF SIVASAGAR  
PIN- 785605.

31: MRIDUSMITA SHARMA  
WIFE OF JADOV CH SHARMA RESIDENT OF VILLAGE KALOO GAON  
P.O- KALOO GAON  
IN THE DISTRICT OF SIVASAGAR  
PIN- 785666.

32: PURNIMA DUTTA  
WIFE OF MUKUT DUTTA RESIDENT OF VILLAGE PAHI GAON  
P.O- HOLOGURI



IN THE DISTRICT OF SIVASAGAR  
PIN- 785664.

33: MOMI GOGOI  
DAUGHTER OF LATE BUPARAM GOGOI RESIDENT OF VILLAGE  
NIMAIJAAN GAON  
P.O- BHADHARA  
IN THE DISTRICT OF SIVASAGAR  
PIN- 785640.

34: DAMBARU DEHINGIA  
SON OF LATE GANESH DEHINGIA RESIDENT OF VILLAGE- NITAI PUKHURI  
KONWAR GAON  
P.O- NITAI PUKHURI  
P.S- DEMOW  
IN THE DISTRICT OF SIVASAGAR  
PIN- 785671.

35: JUMI KONWAR GOGOI  
WIFE OF MRIDUL KUMAR GOGOI RESIDENT OF VILLAGE- ROGHURIGURI  
P.O-BHADHARA  
P.S- SIVASAGAR  
IN THE DISTRICT OF SIVASAGAR  
PIN- 785640.

36: BHASKAR PHUKAN  
SON OF LATE BHABESH PHUKAN  
RESIDENT OF NAHARKOTIA MILAN NAGAR  
  
P.O- NAHARKOTIA  
PINCODE- 786610

37: GIRIN DEHINGIA  
SON OF PUNESHOWAR DEHINGIA RESIDENT OF VILLAGE- DHYAN  
DEHINGIA GAON  
P.O- PALENGI  
P.S- DEMOW  
IN THE DISTRICT OF SIVASAGAR  
PIN- 785671.

38: MEDINI MOHAN GOGOI  
SON OF DURGESHWAR GOGOI RESIDENT OF SONARI TOWN  
NAHARALI  
WARD NO. 13  
PO AND PS SONARI  
IN THE DISTRICT OF SIVASAGAR  
PIN- 785690.



39: SHANTU BURAGOHAIN  
SON OF LATE NUMAL CHANDRA BURAGOHAIN RESIDENT OF VILLAGE-  
SUNPURA GOHAIN GAON  
P.O- PANIBIL  
IN THE DISTRICT OF SIVASAGAR  
PIN- 785685.

40: TRILOKYA DEKA  
SON OF HALIRAM DEKA  
RESIDENT OF JOYSAGAR MEDICAL COLONY  
P.S- JOYSAGAR  
DISTRICT- SIVASAGAR  
PINCODE- 785640.

41: TOFIKUR RAHMAN  
SON OF LATE SORIFUR RAHMAN RESIDENT OF VILLAGE- MOHAN GAON  
P.O- MONMOHAN GAON  
P.S- SONARI  
IN THE DISTRICT OF SIVASAGAR  
PIN- 785689.

42: LUHIT CHETIA  
SON OF SRI MUNIN CHETIA RESIDENT OF VILLAGE- CHEREKAPAR  
KHELUA  
P.O-CHEREKAPAR  
IN THE DISTRICT OF SIVASAGAR  
PIN- 785640.

43: PALLAB CHETIA  
SON OF SRI SARBESHWAR CHETIA  
RESIDENT OF VILLAGE- BHATIAPAR  
P.O- BHATIAPARA  
DISTRICT- SIVASAGAR  
PINCODE- 785667

44: MONJIT RABHA  
SON OF LATE RUPESHWAR RABHA  
RESIDENT OF VILLAGE- BORBHETA  
CHEUNI GAON  
P.O- BORBHETA  
PINCODE- 785004  
DISTRICT- SIVASAGAR.

45: PANKAJ BURAGOHAIN  
SON OF SRI ATUL BURAGOHAIN RESIDENT OF VILLAGE- MEEHAGORH  
AMKOTIA GAON  
P.O- AMKOTIA



P.S- NAZIRA  
IN THE DISTRICT OF SIVASAGAR  
PIN- 785668.

46: DIPANKAR CHIRING  
SON OF SRI DIPAK CHIRING  
RESIDENT OF BETBARI NO. 2 KONWAR  
P.O- BETBARI  
PINCODE- 785640  
DISTRICT- SIVASAGAR.

47: JITEN PHUKAN  
SON OF LATE NILA KANTA PHUKAN  
RESIDENT OF VILLAGE- PANBECHA  
P.O- BETTENA  
  
DISTRICT- SIVASAGAR.

48: SRIMATI MINASHI MILL  
WIFE OF SRI DARSHAN MILI  
RESIDENT OF CHANIMORA  
P.O- CHANIMORA  
PINCODE- 785640  
DISTRICT- SIVASAGAR.

49: INDESHWAR PANING  
SON OF LATE ANANTA RAM PANING  
RESIDENT OF VILLAGE- BORRPAK  
  
P.O-MACHKHOWA PINCODE- 787058  
DISTRICT- DHEMAJI.

50: BIPIN DOWARAH  
SON OF LATE CHENERAM DOWARAH  
RESIDENT OF PALINGI DHYAN GAON  
P.O- PALINGI PINCODE- 785672  
DISTRICT- SIVASAGAR.

51: MULU AHMED  
SON OF LATE HABIJUDDIN AHMED  
RESIDENT OF VILLAGE- DEMOW DEHAJAN TINI ALI  
P.O- DEMOW  
PINCODE- 785662  
DISTRICT- SIVASAGAR.

52: RABDULLA ALI  
SON OF AFSU ALI  
RESIDENT OF VILLAGE- - 2 NO. BHATGAJ



P.O- DIHING THANA  
PINCODE- 785640  
DISTRICT- SIVASAGAR.

53: PAPU YADAV  
SON OF SRI BABUL YADAV  
RESIDENT OF VILLAGE- DEMOW  
P.O- DEMOW  
PINCODE- 785662  
DISTRICT- SIVASAGAR.

54: SRIMATI CHAMPA BORA CHIRING  
WIFE OF SRI PADUM CHIRING  
RESIDENT OF BETNBARI NO. 2 KONWAR GAON  
P.O- MITHAPUKHURI  
PINCODE- 785640  
DISTRICT- SIVASAGAR.

55: SRIMATI JUNMONI CHETIA CHANGMAI  
WIFE OF SRI PROBHAT CHANGMAI  
RESIDENT OF BETBARI BORPATRA GAON  
P.O MITHAPUKHURI  
PINCODE- 785640  
DISTRICT- SIVASAGAR.

56: SRIMATI NAYANMONI KHANIKAR  
WIFE OF SRI RATUL HIRA BARUAH  
RESIDENT OF VILLAGE- AMGURI  
P.O- MORANHAT  
P.O- MORANHAT  
PINCODE- 785670  
DISTRICT- SIVASAGAR.

57: SRIMATI MONJU BORPATRAGOHAIN  
DAUGHTER OF SRI ROMEN CHANDRA PATAR  
RESIDENT OF HASHCHARA RAILING CHUTIA GAON  
P.O- HAHCHARA KUJIBALI  
DISTRICT- SIVASAGAR.

58: SRIMNATI HEMASHREE BORO  
WIFE OF SRI BUHWISAT BASUMATARY  
RESIDENT OF DHUPGIRI  
P.O- SASTRAPARA  
PINCODE- 784510  
DISTRICT- UDALGURI.

59: AHIDUR RAHMAN  
SON OF SRI MOFIJUR RAHMAN



RESIDENT OF VILLAGE- SORAGURI  
P.O- DIKHOWMUKH  
PINCODE- 785664  
DISTRICT- SIVASAGAR

60: SUMIT KUMAR BORAH  
SON OF SRI TARA NATH BORAH  
RESIDENT OF SONARI TOWN  
WARD NO.11

NEAR ASTC BUS STAND  
P.O- SONARI

PINCODE- 785690  
DISTRICT- SIVASAGAR.

61: SRIMATI GIRIMONI CHETIA GOGOI  
WIFE OF SRI TRAILUKYA GOGOI  
RESIDENT OF RANGUR NAGAR  
P.O- SIVASAGAR  
P.S- SIVASAGAR  
PINCODE- 785640

DISTRICT- SIVASAGAR.

62: MRIDUL DUTTA  
SON OF SRI DILIP DUTTA  
RESIDENT OF VILLAGE- PALANGI DHYAN GAON

P.O- PALINGI  
P.S- SIVASAGAR  
PINCODE- 785672  
DISTRICT- SIVASAGAR

63: NAJIBUR RAHMAN  
SON OF SRI MUJIBOR RAHMAN  
RESIDENT OF PALINGI DHYAN GAON  
P.O- PALINGI PINCODE- 785672  
DISTRICT- SIVASAGAR.

64: DIJEN HAZARIKA  
SON OF- LATE BHUBAN HAZARIKA  
RESIDENT OF VILLAGE- BHAT GAZ GAON

PINCODE- 785671  
DISTRICT- SIVASAGAR  
ASSAM.



65: UTTAM DEHINGIA  
SON OF LATE GOKUL DEHINGIA  
RESIDENT OF- DEMOW EKARANI GRAND

P.O AND P.S- DEMOW  
PINCODE- 785662

DISTRICT- SIVASAGAR  
ASSAM.

66: ARUP JYOTI DUTTA  
SON OF SRI ANANDA DUTTA  
RESIDENT OF VILLAGE- BANDARMARI GAON  
PINCODE- 785662  
DISTRICT- SIVASAGAR.

67: DIGANTA GOGOI  
SON OF LATE NOBIN GOGOI  
RESIDENT OF - DEMOW MILAN NAGAR

P.O AND P.O- DEMOW  
PINCODE- 785662  
DISTRICT- SIVASAGAR.

68: BIKASH GOGOI  
SON OF SRI JIBESHWAR GOGOI  
RESIDENT OF VILLAGE- NIMAIJAN

P.O- BHADHARA  
PINCODE- 785640  
DISTRICT- SIVASAGAR

69: SRIMATI MAMONI BHATTACHARYYA  
WIFE OF SRI BIKASH BHATTACHARYYA  
RESIDENT OF- NEW AMALAPATTY  
P.O- SIVASAGAR  
PINCODE- 785604  
DISTRICT- SIVASAGAR

70: BABY PHUKAN  
DAUGHTER OF LATE BHUDESHWAR PHUKAN  
RESIDENT OF BETBARI DAW GAON

P.O- MITHAPUKHURI PINCODE- 785640  
DISTRICT- SIVASAGAR.

71: SRIMATI PARBATI KUMARI SHARMA



W/O- SRI KHEM PRASAD SHARMA  
RESIDENT OFF KASARJ LINE  
AMGURI TOWN  
P.O- AMGURI  
PINCODE- 785680  
DISTRICT- SIVASAGAR

72: KAMAL THAPA  
S/O- LATE TIL BAHADUR THAPA  
RESIDENT OF JOYSARAR  
JUNAKI NAGAR

P.O- RUDRASAGAR PINCODE- 785640

DISTRICT- SIVASAGAR.

73: SRIMATI MONIKA PHUKAN  
W/O- SRI RANJAN BORGOHAIN  
RESIDENT OF VILLAGE- PHULPANICHIGA

P.O- PHULPANICHIGA PINCODE- 785683

DISTRICT- SIVASAGAR

74: SRIMATI BHARTI BEZARUAH  
W/O- SRI BORMANDA BEZARUAH  
RESIDENT OF NAZIRA TOWN

P.O- NAZIRA  
DISTRICT- SIVASAGAR

75: MUNINDRA BORGOHAIN  
SON OF SRI GOPAL BORGOHAIN  
RESIDENT OF MECHAGAR  
DIMOWKINER  
P.O- AMKATIA  
DISTRICT- SIVASAGAR

76: SRIMATI DIPAMOI CHUTIA  
W/O- SRI NRIPENDRA NARAYAN CHUTIA  
RESIDENT OF MECHAGAR  
DIMOWKINER  
P.O- AMKATIA  
PINCODE- 785697 DISTRICT- SIVASAGAR

77: RAMIZ ALI  
S/O- HUSSAIN ALI



RESIDENT OF VILL- DA-DHARA

P.O- PALENGI  
P.S- DEMOW

DIST. SIVASAGAR  
ASSAM.  
PIN- 785640.

78: BANU RAHMAN  
C/O- ABDUL GAFFAR  
RESIDENT OF VILL- MEZENGA

DIST. SIVASAGAR  
ASSAM  
PIN- 785640

79: RAJESH DUTTA  
C/O- SUNIL DUTTA  
RESIDENT OF VILL- HABIRAM BORA PATH

DIST- SIVASAGAR  
ASSAM  
PIN- 785640

80: DHANESWARI BASFOR  
C/O- BOLOW BASFOR

RESIDENT OF VILL- SIMALUGURI

DIST- SIVASAGAR  
ASSAM

81: RAGLU RAMU  
C/O- RAGLU KANAYA  
RESIDENT OF VILL- DA- DHARA

P.O- PALENGI  
P.S.- DEMOW  
DIST. SIVASAGAR  
ASSAM  
PIN- 785640

82: ROFIKUL ROHMAN  
C/O- ROYAL ROHMAN  
RESIDENT OF VILL- THOWRA BAMUN BARI

P.O- RAJMAI



P.S- DEMOW

DIST. SIVASAGAR  
ASSAM.  
PIN- 785672.

83: ROBIUL ISLAM  
C/O- NAZRU ISLAM

RESIDENT OF VILL- THANAMUKH

DIST. SIVASAGAR  
ASSAM  
PIN- 785640

84: MUSLIMA BEGUM  
C/O- ROYAL ROHMAN  
RESIDENT OF VILL- THOWRA BAMUN BARI

P.O- RAJMAI  
P.S.- DEMOW

DIST. SIVASAGAR  
ASSAM  
PIN- 785672.

85: KUSHAL KUMAR DAS  
S/O- SRI HARENDRA NATH DAS  
RESIDENT OF VILL RONGPUR  
P.O.DHULIPARA  
PIN- 785640  
DIST. SIVASAGAR  
ASSAM

86: MINTU BAYAN  
SON OF PADMA BAYAN RESIDENT OF AMLAPATTY  
P.O- SIVSAGAR  
WARD NO. 9  
IN THE DISTRICT OF SIVASAGAR  
PIN- 785640  
VERSUS

THE STATE OF ASSAM AND 4 ORS A  
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT OF ASAM  
HEALTH AND FAMILY WELFARE (A) DEPTT. DISPUR  
GUWAHATI-781006  
ASSAM



2:THE SECRETARY  
TO THE GOVERNMENT OF ASSAM  
HEALTH AND FAMILY WELFARE (A) DEPARTMENT  
DISPUR  
GUWAHATI - 781006  
ASSAM.

3:THE DIRECTOR  
HEALTH SERVICES  
HENGRAVARI  
GUWAHATI - 781036  
KAMRUP (M) ASSAM.

4:THE JOINT DIRECTOR  
HEALTH SERVICES  
SIVASAGAR  
GUWAHATI - 781036  
KAMRUP (M) ASSAM.

5:THE SCREENING COMMITTEE  
REPRESENTED BY THE CHAIRMAN (ADDITIONAL DIRECTOR OF HEALTH  
SERVICES)  
HANGRAVARI  
GUWAHATI- 36

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Advocate for : H AHMED  
Advocate for : SC  
HEALTH appearing for THE STATE OF ASSAM AND 4 ORS A

Linked Case : WA/31/2024

SUBRATA SAHA AND 14 ORS.  
S/O LATE SUKUMAR SAHA  
RESIDENT OF VILLAGE GOALTULI  
PO  
PS AND DIST GOALPARA  
ASSAM  
783101

2: DHIRAJ CHANDRA GHOSH  
S/O- LT. ATUL CHANDRA GHOSH  
VILL- BELTOLA PO- BALADMARI  
P.S- GOALPARAPIN- 783384  
DIST- GOALPARA

3: SUBRATA GHOSH



S/O- LATE HARAKANTA GHOSH  
VILL-GOALTULI PO  
PS ANDD IST- GOALPARA  
PIN- 783101

4: MRINAL KANTI DEY  
S/O- LT. HITESH DEY  
VILL- ABHAYAPURI  
PO- ABHAYAPURI  
P.S- ABHYAPURI  
PIN- 783384  
DIST- BONGAIGAON

5: SUMIT GHOSH  
S/O- NAGEN CH. GHOSH  
VILL- GOALTULI PO- GOALPARA  
P.S-GOALPARAPIN- 783101  
DIST- GOALPARA

6: INDRA MOHAN ROY  
S/O- LT. HIRULAL ROY  
VILL- BAPUJINAGAR PO-BALADMARI  
P.S-GOALPARAPIN- 783121  
DIST- GOALPARA

7: MAHADEV DAS  
S/O- LATE HIRULAL ROY  
VILL- BARBHETA  
P.O.-BARBHETA  
P.S.- KHARMUZA  
DIST.-GOALPARA  
PIN- 783101

8: DEBAJIT BARMAN  
S/O- ANIL BARMAN  
VILL-GOALTULI  
PO- GOALPARA  
P.S- GOALPARA  
PIN- 783101 DIST-GOALPARA

9: DIPANKAR GHOSH  
S/O- LT. PARESH CH. GHOSH  
VILL- GOALTULI PO- GOALPARA  
PIN- 783101  
DIST-GOALPARA

10: UJJAL CHOUDHURY  
S/O- LATE KARUNA CHOUDHURY



BILASIPARA  
DIST-DHUBRI

11: ABDUL FARHAD  
S/O- ABDUL KADDUS  
VILL- KHUDRAFALADI PO- BHOGDIA  
PIN- 781305  
DIST-BARPETA

12: JAMANUR RAHMAN  
S/O- ABDUL LATIF  
VILL- KUKARPAR  
PO- KHONGRA  
PIN- 781305  
DIST-BARPETA

13: JALAL KHAN  
S/O- MILAN KHAN  
VILL- KHUDRAFALADI  
PO- BYASKUCHI  
PIN- 781307  
DIST-BARPETA

14: ABDUL NAJRUL  
S/O- ABDUL KADDUS  
VILL- KHUDRAFALADI PO- BHOGDIA  
PIN- 781305  
DIST-BARPETA

15: RAHUL AMIN  
S/O- MIACHAN ALI  
VILL- KHUDRAFALADI PO- BHOGDIA  
PIN- 781305  
DIST-BARPETA  
VERSUS

THE STATE OF ASSAM AND 4 ORS.  
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF  
ASSAM  
HEALTH AND FAMILY WELFARE (A) DEPARTMENT  
DISPUR  
GUWAHATI- - 781006  
ASSAM.

2:THE SECRETARY  
TO THE GOVERNMENT OF ASSAM  
HEALTH AND FAMILY WELFARE (A) DEPARTMENT  
DISPUR



GUWAHATI- - 781006  
ASSAM.

3:THE DIRECTOR OF HEALTH SERVICES  
HENGRAVARI  
GUWAHATI- - 781036  
KAMRUP (M) ASSAM.

4:THE JOINT DIRECTOR OF HEALTH SERVICES  
GOALPARA  
GUWAHATI- - 781036  
KAMRUP (M) ASSAM.

5:THE SCREENING COMMITTEE  
REPRESENTED BY THE CHAIRMAN (ADDITIONAL DIRECTOR OF HEALTH  
SERVICES)  
HANGRAVARI  
GUWAHATI- 36

-----  
Advocate for : MR D K DAS  
Advocate for : SC  
HEALTH appearing for THE STATE OF ASSAM AND 4 ORS.

**BEFORE**

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

For the Appellants : Mr. M. Goswami, Sr. Adv. assisted by  
Mr. R. Singha, Sharma, Sr. Adv. Assisted  
by Mr. D. Deka, Adv.  
Mr. A. Dakh, Senior. Adv. assisted by Ms.  
H. Ahmed, Adv.

For the Respondents : Mr. B. Gogoi, Addl. AG, Assam, assisted  
by Mr. D. Upamanya, SC, Health & W  
Department.

Date on which Judgment is



Reserved : 05.01.2026  
Date of pronouncement of  
Judgment : 30.01.2026  
Whether the pronouncement  
is of the operative part of the  
Judgement : NA.  
Whether the full Judgment has  
been pronounced : Yes.

### **JUDGMENT & ORDER (CAV)**

#### **(A.D.Choudhury, J)**

1. The Intra-court Appeals challenge the common judgment & order dated 29.09.2023, passed in WP(C)/1931/2020 and in the other connected writ petitions.
2. The appellants were appointed as Grade-IV employees in the year 2004-2005 against substantive vacancies under the Joint Director, Health Services, Dibrugarh and Goalpara. They continued to serve until their services were terminated in 2019. All these appellants were terminated from their services, and the termination was challenged before the learned single judge.
3. The learned single judge upheld the termination under the impugned judgment.
4. We have heard Mr. M. Goswami, learned Senior Advocate assisted by Mr. R. Singha, learned Advocate appearing for the appellants in WA/429/2023 and WA/428/2023; Mr. R. Sharma, learned Senior Advocate assisted by Mr. D. Deka, learned Advocate appearing for the appellants in WA/453/2023, Mr. A. Dakh, learned Sr. Advocate assisted by Ms. H. Ahmed,



learned Advocate for the appellants in WA No.144/2024. Also heard Mr. B. Gogoi, learned Additional Advocate General, Assam assisted by Mr. D. Upamanya, learned Standing Counsel for the Health and Family Welfare Department, Assam.

5. The facts, in a nutshell, in WA Nos. 428/2023, 429/2023, 453/2023 & 31/2024, are that on 4.12.2004 and 3.1.2005, two separate advertisements were issued by the Joint Director of Health Services, Dibrugarh and Goalpara, respectively, seeking applications for selection and appointment to a number of grade-IV posts. In October 2005, the respective Joint Directors issued the appointment orders, and since then, the appellants have been working and have received their salaries.

6. The appellants in WA No. 144/2024 were initially engaged during the periods of 1999-2005 on an ad-hoc or casual basis against the vacant posts and, upon completion of continuous service and availability of permanent vacancies, their services were regularised during the periods of 2009-2011 with effect from their initial dates of engagement.

7. In 2017, the allegations of illegal appointments of Surveillance Workers in the Health Department were raised. Accordingly, on 27.03.2017, the Secretary to the Government of Assam, Health and Family Welfare Department, directed the Director of Health Services, Assam, to conduct a screening process for Surveillance Workers to verify the genuineness of their services.

8. Accordingly, a screening committee was constituted on 17.05.2017 to verify appointment orders, transfer orders, and service books of all grade-IV staff, including Surveillance Workers, in all districts under the Directors of Health Services. Accordingly, the Director of Health Services, Assam, directed all the Joint Directors of Health Services of the concerned districts to submit lists of



Grade-IV employees.

9. The Joint Directors of Health Services of Dibrugarh and Sivasagar directed that all Grade-IV staff under their control appear before the Screening Committee constituted for this purpose. A similar exercise was also carried out in the Goalpara district as well.

10. The procedure continued, and finally, the Grade-IV employees were directed to appear before the screening committee on 09.08.2017 in Guwahati, along with all relevant original documents to prove the genuineness of their appointments. Subsequently, in February 2018, show-cause notices were issued to Grade-IV employees whose appointments were found to be not genuine, asking why they should not be removed from service for the irregularities detected by the Screening Committee.

11. Some of these employees, including the petitioners, thereafter, approached this Court by filing WP(C) No. 3051/2018, WP(C) No. 940/2019 & WP(C) No. 1556/2019.

12. The aforesaid petitions were disposed of, directing the respondents to extend the screening exercise to enable everyone to participate. It was further provided that if any serving person is found not to be genuine, the authorities should specify the precise deficiency and afford the affected employee an opportunity before any adverse action is taken.

13. Subsequently, in June 2019, the Joint Director of Health Services issued show-cause notices to those whose appointments were found to be not genuine in the Screening Committee Report, asking them to prove the genuineness of their appointments, failing which they should be terminated from service.

14. Thereafter, the petitioners once again approached this Court by



filings WP(C) No. 4130/2019 & WP(C) No. 4513/2019, alleging that the exercise is in violation of the Court's earlier order dated 18.05.2018 passed in WP(C) No. 3051/2018. The same were closed by a learned Single Judge under its order dated 31.07.2019, in the backdrop of a stand taken by the Director of Health Services, Assam that a decision has been taken by the Health Department to withdraw the show cause notices and to issue fresh show cause notices mentioning the specific deficiency found against each illegal employee including the appellants, so that each show cause employees get an opportunity to know his/her deficiency and respond effectively. A liberty was granted to the respondents to proceed in accordance with the law.

15. Subsequently, in August 2019, fresh show-cause notices were issued highlighting the deficiency. The deficiency highlighted was that "**the scrutiny committee's report contained deficiencies against them.**"

16. The appellants filed replies to such show cause notices and sought the report of the Scrutiny Committee, contending that, without knowing the deficiencies, they would not be in a position to effectively reply to such show cause notices. Subsequently, in October, 2019 & November 2019, the appellants were removed from their services.

17. At this stage, another batch of writ petitions was filed, the leading writ petition being WP(C)/8271/2019, challenging such action.

18. This Court under its order dated 26.11.2019, passed in the aforesaid writ petitions, set aside the orders of removal for the reason that show cause notices to the petitioners were issued in derogation of its earlier order dated 25.05.2019 passed in WP(C)/3350/2018 as well as the order dated 31.07.2019 passed in WP(C)/4167/2017, inasmuch as, in the earlier orders, the Court directed that the appellants/petitioners be intimated the precise deficiency found against each of them by the concerned Scrutiny committee, however,



no such deficiency were highlighted in the subsequent show cause notices, based on which they were removed from services.

19. Subsequently, in February 2020, fresh show cause notices were issued asking them to furnish the following

- i. The copy of the advertisement seeking applications,
- ii. Call letters issued to them for appearing before the interview board,
- iii. Copy of the select list.
- iv. Copy of the original appointment letters.
- v. Copy of SIU (Finance Department) approval for drawl of pay and allowances.

20. The petitioners filed similar replies to the show-cause notices and maintained that the documents mentioned at Sl. No. i, ii, and iii are not available with them; they are in the Government record, as these are official documents and ought to be maintained by the competent authorities. As regards SIU approvals, they took a stand that the requirement of SIU approval is for drawing of pay and allowances, and the same are not expected to be in the possession of the notice; however, payment of regular salary presumes that all necessary approvals were there, otherwise, the competent authorities could not have released their salaries regularly.

21. Thereafter, by separate but identical orders issued in February 2020, the appellants were removed from their services, the reply filed by the appellants being found unsatisfactory.

22. Such removal orders were challenged before the learned Single Judge, which was negated and hence these appeals.



23. Mr. Goswami and Mr. R. Sarma, learned Senior counsels, argue that the appointment of the appellants at best can be termed as irregular, not fake or illegal appointments. According to them, the appellants were appointed to substantive posts through a valid selection process conducted in full public view. Therefore, in the facts and circumstances of the case, the appellants' appointments may be irregular, but are certainly not illegal or fake. In support, they rely on the determinations made by the Hon'ble Apex Court in **Siraj Ahmed –Vs- State of Uttar Pradesh and Another** reported in **(2020) 19 SCC 480**, **Vinod Kumar –Vs- Union of India** reported in **(2024) 9 SCC 327**, and **Pawan Kumar Tiwary –Vs- Jharkhand State Electricity Board (Now Jharkhand Urja Vikas Nigam Limited and Others** reported in **2025 SCC OnLine SC 1751**.

24. As regards the lack of SIU approval, it is argued that, under the Notification dated 04.07.2005, the requirement for SIU approval took effect from 21.07.2005. Therefore, such an office memorandum did not exist when the selection process commenced.

25. Alternatively, it is argued that there is no material to suggest that the SIU had at any point in time opined that the posts to which the appellants were appointed are not required and should be abolished.

26. As regards the authority of the Joint Director of Health Services to issue advertisement and make appointments, it is argued that there is no specific rule indicating that advertisement cannot be issued by the Joint Director of Health Services inasmuch as according to them, it is an admitted position that in terms of Section 2(a) of the Assam Public Services (Direct Recruitment of Class-III and Class-IV Posts) Rules, 1997, the Joint Director is the appointing authority.

27. It is further contended that there is no whisper or allegation of any wrongdoing, unfair practice or fraudulent activity committed by any of the



candidates/appellants, and as such, the selection was not vitiated by malpractice. There was also no challenge to such a selection process by any unsuccessful candidates alleging corrupt practice, etc.

28. According to the learned Senior counsels for the appellants, the appellants had been serving for almost 14 years until their services were terminated in 2019 & 2020; they have been drawing regular salaries ever since their initial appointments, without any break, until their termination, which itself indicates that their appointments were regular and above board. Removal from service at this stage will cause immense financial and emotional hardship for them, argue the Senior counsels.

29. According to them, even otherwise under Rule 14 of the Assam Public Services (Direct Recruitment of Class-III and Class-IV Posts) Rules, 1997 (hereinafter referred to as the Rules, 1997), the State is empowered to relax the stipulation of the Rules in appropriate cases.

30. According to the learned Senior counsel for the appellants, neither the show cause notice nor the impugned termination order is based on the alleged non-compliance of the Rules, 1997.

31. According to them, the alleged violation of the Rules, 1997, in the matter of appointments of appellants, and that the appointments were made during a period when fresh appointments were banned, was for the first time set up by the State in the writ proceeding, that too by an additional affidavit before the learned Single Judge, which is not permissible under law. In support, reliance on the determination made in **Mohinder Singh Gill -Vs- Chief Election Commissioner**, reported in [(1978) 1 SCC 405], is placed.

32. In conclusion, the learned Senior Counsel for the appellants argues that the enquiry held against the appellants was most perfunctory, the show-cause notices themselves were vague, and therefore, there is a gross violation



of the principles of natural justice. The screening committee report, which formed the basis for declaring the appellants' appointment illegal, was not furnished to the appellants, resulting in serious prejudice to their defence and thus vitiating the termination. The termination orders reflect that the respondents did not consider the appellants' reply. Therefore, it is a clear case of non-consideration of the relevant materials and non-application of the mind by the respondent authorities.

33. Mr. Dakh learned Sr. counsel while adopting the arguments advanced as recorded hereinabove and placing reliance on **Jaggo Vs. Union of India and Ors. [ (2023) SCC Online SC 3826], Dharam Sing and Ors. Vs. State of U.P. & Anr. [2025 INSC 998] & Shripal and Anr. Vs. Nagar Nigam Ghaziabad [2025 INSC 144]** has further contended that once services of the appellants stood regularised against substantive vacancies, such regularisation having remained unquestioned for nearly a decade, the State could not have terminated them without first setting aside the orders of regularisation in accordance with law. It is urged that the termination is vitiated by violation of Article 311 of the Constitution of India, non-disclosure of the screening committee report, non-consideration of the replies submitted by the appellants, and gross breach of the principle of natural justice. In addition, he contends that otherwise, due to long service against substantive vacancies, the appellants are entitled to regularisation.

34. Per contra, Mr. B. Gogoi, learned Additional Advocate General, defending the impugned judgment as well as the impugned action of termination, argues that the appellants were appointed by the Joint Directors of Health Services, Goalpara, Dibrugarh and Sivasagar, in the year 2005 in blatant violation of the Rules 1997. Such appointments were made without having prior approval of the Director of Health Services, Assam who is the



appointing authority and the Head of the Department; without the approval of the State Level Empowered Committee, which was mandatorily required during the period of initiation of selection process; without publishing the advertisement in newspaper for wide publication and above that appointments were made, during a period when ban on appointment was imposed by the Government in Health and Family Welfare Department barring issuance of any kind of appointment orders.

35. The learned Additional Advocate General contends that by office memorandum dated 6-12-1999, the State Level Empowered Committee was constituted to examine the requirement of actual number of staff based on workload in each department office and determine the shortage surplus of government employee in any department as well as to examine the posts which cannot be kept vacant and cannot be manned by redeployment and to recommend to fill up the posts.

36. The State notification categorically mandated that the existing vacant posts, including those that may fall vacant in the future, shall not be filled up either by direct recruitment or by promotion without prior approval of the State-Level Empowered Committee. However, in the instant cases, the Joint Director of Health Services Goalpara and Dibrugarh, initiated the selection process in the years 2004 and 2005 without prior approval of the State-Level Empowered Committee and therefore, such appointments are illegal and void *ab initio*, argues Mr. Gogoi, learned Additional Advocate General, Assam.

37. To further substantiate his argument, learned Advocate General contends that by a communication dated 11-04-2002, the Government in Health Department instructed the Director of Health Services, Assam not to issue any kind of appointment order until further order even in case against



which permission of State Level Empowered Committee and approval of the Minister of Health and Family Welfare Department had been obtained and thereby, imposed a complete ban on appointment by the Director of Health Services, Assam who is the appointing authority of Grade-III and Grade-IV staff of the district establishments.

38. He cites Rule 3 and Rule 2 (a) of the Rules 1997, which define the appointing authority as the authority to whom the power of appointment is delegated. In the instant cases, no such power to conduct a recruitment process and to appoint the appellants in Grade-IV was delegated to the Joint Director of Health Services, Goalpara, Dibrugarh and Sivasagar by the Director of Health Services, Assam. Therefore, the entire selection was without sanction or authority and without jurisdiction; consequently, it is a nullity in the eyes of the law.

39. Beyond that, the Selection Committee, as prescribed under Rule 5 of the Rules 1997, also did not adhere to. Instead of a mandated five-member selection committee, a three-member committee was constituted. Thus, the selection committee itself disregards the rules, and such a selection is illegal.

40. According to him, such a selection process was also in derogation of Rule 5(3) of the Rules 1997 which mandates notifying minimum essential qualification for direct recruitment to the post, age limit of the candidates, minimum experience etc. and to declare whether any written test, typing test, interview shall be held and if so maximum marks for the same is required to be notified and such a selection under Rule 6(2) of the Rules, 1997 is to be made on the basis of merit. According to the learned Additional Advocate General, no such instruction was sought from the Director of Health Services, Assam, by the concerned Joint Directors of Health Services, and the Joint Directors of Health Services went ahead with the selection. Therefore, such a selection is



illegal.

41. In terms of the Assam Directorate Establishment (Ministerial) Service Rules 1973, the appointing authority is the Head of the Department and in the cases, therefore the Director of Health Services, Assam is the appointing authority and not the Joint Director of Health Services, and thus, the appointments were issued without jurisdiction, more particularly, in absence of any delegation of power to the Joint Director by the Director. Although such appointments were made after 25-01-2005 and the New Pension Rules are applicable, this essential condition of service was not incorporated in the appointment orders.

42. According to him, the appellants were provided ample opportunities to prove the genuineness of their appointments. However, they had miserably failed to produce the required documents. Therefore, their termination cannot be altered.

43. In support, Mr. Gogoi, learned Additional Advocate General, places reliance on the judgments of the Honourable Apex Court in **the Union of India -Vs- Raghuwar Pal Singh** reported in **2018-15 SCC 463**, **A. Umarani -Vs- Co-operative Society** reported in **2004-07 SCC 112**, **State of Bihar -Vs- Upendra Narayan Singh**, reported in **2009-05 SCC 65**, **National Fertiliser Limited -Vs- Somvir Singh** reported in **2006-05 SCC 493**, **State of Karnataka -Vs- Uma Devi** reported in **2006-04 SCC 1**, **State of Karnataka -Vs- ML Kesari** reported in **2010-09 SCC 247**, **State of Orissa and another -Vs- Mamata Mohanty** reported in **2011-03 SCC 436**, **Post Master General, Kolkata, -Vs- Tutu Das (Dutta)**, reported in **2007-05 SCC 317**.

44. As regards the case of appellants in WA No. 144/2024, he adds that the appellants were never appointed pursuant to a valid selection process as contemplated under Articles 14 & 16 of the Constitution of India and that their



initial engagement was purely ad-hoc or casual; and that subsequent regularisation was affected by authorities lacking competence under Service Rules. It is submitted that regularisation cannot cure an illegal entry into service, and reliance is placed on the principles enunciated in **Uma Devi** (supra).

45. We have given anxious consideration to the arguments advanced by the learned counsel for the parties.

46. The fulcrum of the State's argument is that the appointments of the appellants are rendered void *ab initio* on account of the infraction of the Rules, 1997, framed under the proviso to Article 309 of the Constitution of India. According to the State, the Joint Directors of Health Services lack the authority to initiate recruitment, advertise vacancies, constitute the selection committee, and issue appointment orders, all such powers being vested exclusively with the Director of Health Services, Assam.

47. Though such a submission is attractive at first blush, does not withstand close scrutiny either on the facts or in law.

48. A plain reading of Section 2(a) of the Rules, 1997, defines "Appointing Authority" as the authority to whom the power of appointment is delegated. The Rules themselves do not designate a specific officer by nomenclature as the appointing authority for Class-IV posts across departments. The determination of the appointing authority is thus dependent on the administrative structure of the department and the delegation of power thereunder. In the present cases, it is not the State's case that the Joint Directors were private or extraneous authority. They are functionaries who head district establishments of the Health Department, exercising administrative control over the sanctioned posts within their respective jurisdictions. In absence of any statutory provision or executive instruction in



this regard expressly prohibiting the Joint Director from acting as Appointing Authority, the reliance of certain communications between the Director and the Joint Directors asking the Joint Directors to initiate selection process with approval from the government that too in respect of some other cases, the assertion that the Director alone could have exercised such power cannot, by itself, render the entire recruitment process honest, more particularly, when the salaries and other benefits are paid by the Director and the State for more than 14 years.

49. Rule 4 of the Rules, 1997, amongst other mandates that recruitment shall be made on the basis of the recommendation of a selection committee and that the Appointing Authority shall advertise the vacancies. The factual position, which remains undisputed, is that the vacancies were advertised: by newspaper advertisement in the District of Goalpara and by notice of selection in Dibrugarh, seeking applications from eligible candidates, and that a selection process was undertaken. Select lists were prepared and published. In our view, these steps satisfy the substantive requirement of Rule 4, namely, transparency and an opportunity for all eligible candidates. The Rules do not elevate the mode of publication into an inflexible condition whose breach would nullify the entire process, particularly when the recruitment was conducted under full Public gage and no allegation has been made that the eligible candidates were excluded or that the process was manipulated.

50. Similarly, Rule 5 of the Rules, 1997, prescribes the composition of the selection committee. From the materials on record, it cannot be said that the selection committee constituted was so fundamentally in contrast with Rule 5 as to strike at the root of the process, except that, instead of a larger selection committee prescribed, the committee constituted a smaller number. The plea of improper constitution has been raised belatedly, long after the appellants



had entered service and the State treated them as regular employees for 14 years. Such ground was also not indicated in any of the show-cause notices.

51. In service jurisprudence, not every deviation from a procedural prescription amounts to illegality. A distinction must be maintained between a breach that goes to the jurisdiction and one that is curable or irregular. Unless the deviation results in unequal opportunity, it cannot be elevated to a constitutional infirmity under Articles 14 and 16 of the Constitution of India, more so in a factual background like the present one.

52. We have also carefully examined the decisions on which the learned Additional Advocate General relied.

53. In **A. Umarani** (Supra), the Supreme Court was dealing with appointments made outside the statutory scheme, without any selection process, secured through manipulation and abuse of power. The Apex Court held that such backdoor appointments cannot be regularised. The said decision has no application to the present cases, where appointments were made pursuant to public advertisement, though defective according to the State, and admittedly, there is no allegation of fraud or manipulation.

54. In **Raghwar Pal Singh** (Supra) and **National Fertiliser Limited** (Supra), the appointments were found to be wholly illegal, having been made in patent violation of statutory provisions, and the appointees were unable to establish any lawful entry into service.

55. These decisions reiterate the settled principle that the Courts cannot perpetuate illegality. However, they do not lay down that long-served employees appointed through an advertised process, without an allegation of fraud, can be removed after decades, for administrative lapses attributable to the employer and its agent.



56. The decision in **Upendra Narayan Singh** (supra) concerned peculiar facts in which appointments were made in contravention of express constitutional and statutory prohibitions, and the Court emphasised that sympathy cannot override the rule of law. In the present cases, however, the appellants were appointed against existing posts and allowed to continue for years with tacit approval of the State, thereby distinguishing the factual and legal context.

57. In **Postmaster General Vs. Tutu Das** (Supra) and **Mamata Mohanty** (Supra), the Supreme Court addressed the cases involving fraudulent and fabricated appointments, including forged documents and false claims. The ratio of those decisions is that fraud vitiates everything. Admittedly, in the present cases, there is no allegation of fraud, forgery or impersonation against the appellants, rendering those authorities inapplicable.

58. The reliance placed on **Uma Devi** (Supra) must be understood in its full constitutional setting. The Constitution Bench was addressing a phenomenon that threatened the integrity of public employment itself; the proliferation of ad-hoc, temporary, and backdoor appointments as a substitute for regular recruitment. The judgment is animated by the need to restore fidelity to Articles 14 and 16 of the Constitution of India by ensuring that public posts are filled through an open, competitive process. At the same time, the Court was acutely conscious that a rigid application of principles could produce grave injustice in individual cases. It, therefore, drew a vital distinction between appointments that are illegal in the sense of being fundamentally contrary to the constitutional scheme and appointments that are irregular due to deviations in procedure. The former, the Court held, cannot be protected; the latter may, depending on circumstances, invite equitable consideration.



59. This nuanced understanding was explicated and reinforced in **M. L. Kesari** (Supra), where the Supreme Court clarified that **Uma Devi** does not maintain that the uprooting of employees who have served for long periods in a sanctioned post is without taint or fraud.

60. The subsequent decisions in **Jaggo** (supra), **Yashpal** (supra), and **Dharambir** (supra) have consistently reiterated that **Uma Devi** is not a blunt instrument to be used for indiscriminate termination, but a constitutional corrective aimed at preventing future illegality while addressing past irregularities with measured fairness.

61. To invoke **Uma Devi** (supra) in the present cases without engaging with these clarifications would amount to a misreading of the judgment and abdication of judicial responsibility.

62. We are therefore of the view that none of the aforesaid decisions relied upon by the learned Additional Advocate General advances the case of the State on the facts before us. Constitutional adjudication does not proceed on the basis of levels but rather on careful identification of the legal principle a precedent establishes.

63. It is now trite that a judgment is an authority for what it decides and not for what it may seem to flow from it logically. The binding force of precedent inheres in its ratio, and the ratio itself is inseparable from the factual matrix in which the question arose.

64. The decision cited on behalf of the state arises from a consistent factual pattern, i.e. appointment secured without any open or transparent process, often through patronage, manipulation or outright fraud, thereby striking at the root of Articles 14 and 16 of the Constitution of India. It is in that context that the Supreme Court has repeatedly declined to extend equitable protection. To transpose those holdings into the present cases would be to



abstract principle from context and to apply it in a manner never intended.

65. In the present cases, the appellants did not enter into service through a concealed or surreptitious route.

66. Their entry resulted from a recruitment process initiated by the State itself. Advertisements were issued in the public domain, applications were invited, selections were held, appointment orders were issued, and the appellants were inducted into service. From that point onwards, the State treated the appellants as members of its workforce, assigned them duties essential to the functioning of public health institutions, and paid them salaries from the government fund. This conduct of the State continued uninterruptedly for nearly 14 years. In public law, such sustained conduct is not devoid of normative significance. It generates a legitimate expectation that the engagement is lawful and stable, and it simultaneously imposes a corresponding obligation on the State to act fairly, reasonably, consistently and non-arbitrarily.

67. Viewed thus, the appointments of the appellants cannot be characterised as void *ab initio*. At the highest, they suffer from procedural irregularities attributable solely to the employer. Such irregularity does not erase the reality of long and continuous service rendered, nor does it neutralise the equities that have crystallised over time.

68. Public law does not sanction a course that the State may approve for years and then reprobate when it finds administrative convenience in doing so. The principle that the State cannot take advantage of its own wrong is not a mere equitable slogan. It is a constitutional limitation on arbitrary state action.

69. Even apart from the substantive legality of the appointments, the process culminating in termination is vitiated on the grounds that go to the



root of procedural fairness.

70. Repeated judicial directions mandating disclosure of the Scrutiny Committee Report and communication of precise deficiencies were disregarded. The show cause notices were vague, generic and non-specific, rendering the opportunity to respond illusory rather than real.

71. The termination orders do not disclose any reasoned consideration of the explanations offered by the appellants. Where an administrative action entails severe civil consequences, compliance with principles of natural justice is not a matter of form but of substance. Their breach invalidates the action irrespective of the merit of the underlying allegations.

72. Further, any termination based on a screening or verification exercise must scrupulously adhere to the requirements of fairness, transparency, and reasoned decision-making. Failure to do so vitiates the action.

73. The infirmities now relied upon by the State relate to the internal decision-making structure of the administration, mainly whether prior approval from a higher authority was obtained, whether a selection committee was properly constituted, whether interdepartmental concurrence was secured, and whether certain instructions from higher authorities were meticulously followed. These are matters that lie entirely within the employer's exclusive domain.

74. A candidate seeking appointment to a Grade-IV post cannot be imputed with either knowledge of, or responsibility for, compliance with such internal administrative protocols. The constitutional guarantee of equality does not require an employee to bear the consequences of administrative failure, particularly when the State itself has acquiesced in and benefited from arrangements over a long period of time.



75. The argument of the learned Additional Advocate General, founded on a ban on appointments or absence of prior approval, must also be examined from this perspective.

76. The argument that appointments were made during a ban period or without prior approval, including SIU concurrence, stands even on a weaker footing.

77. A ban on recruitment or an internal requirement of prior approval is an instruction intended to regulate administrative discretion. It does not operate as a statutory prohibition rendering every appointment made in breach thereof a nullity in the eyes of the law. Where the administration itself proceeds to make appointments, posts employees against sanctioned vacancies and releases their salaries year after year, the State cannot, after prolonged acquisition turn around and contend that the appointments were void from inception. Such an approach would permit the State to benefit from its own wrong and would offend the principle of non-arbitrariness that permeates Article 14 of the Constitution of India.

78. Executive instructions imposing restrictions on recruitment are intended to regulate administrative discretion. They are not designed to operate as latent traps that can be sprung upon unsuspecting employees decades later, with the State, through its office, choosing to disregard or misapply such instructions and then proceeding to make appointments. The fault lies squarely with the administration.

79. Allowing the State to retrospectively invalidate such appointments after extracting years of service would be antithetical to fairness and would erode public confidence in the stability of public employment. Interestingly, to a pointed query of ours, Mr. Gogoi, learned Additional Advocate General, candidly admits that no action against the erring officials has been initiated.



80. Coming to the case of the appellants in WA 144/2024, the posts against which the appellants were engaged admittedly existed; the appellants were eligible; their engagement and subsequent regularisation were affected by the Department itself and for nearly two decades, the State treated them as part of the regular workforce by paying regular salaries and extracting service. The reliance placed on **Uma Devi** (supra) is misplaced. **Uma Devi** was never intended to be a charter for retrospective invalidation of long-standing regularisation.

81. The law on regularisation is well settled. In **Uma Devi**, the constitution bench held that irregular or illegal appointments made contrary to recruitment rules cannot be regularised merely by reason of long service, however, in the **State of Karnataka** (supra), it was clarified that where the appointment was irregular, not illegal, and the employee has served continuously for over 10 years against a sanctioned or duly recognised post, the regularisation may be considered as a one-time measure.

82. The Hon'ble Apex Court's approach to this issue has further evolved in recent years through the judgment in **Dharam Singh** (supra), where it was held that when a public institution depends, day after day, on the same hands to perform a permanent task, equity demands that those tasks are placed on a sanctioned post and those workers are treated with fairness and dignity. The Hon'ble Apex Court further cautioned that a generic plea of financial constraints cannot justify continued ad-hocism, emphasising that the State cannot balance its budget on the back of daily wage workers.

83. Again in **Shripal** (supra), it was held that the landmark judgment of **Uma Devi**, cannot serve as a shield to justify exploitative engagement persisting for years. The Court recognised that, where employees have rendered long, continuous service in perennial work, the temporary or daily-



wage nature of the work cannot defeat their substantive right to fair treatment.

84. Viewed from the aforesaid settled proposition of law, this Court finds force in the arguments of Mr. Dakh, learned Sr. Counsel, inasmuch as, it is an admitted position that the appellants were engaged against permanent vacancies to perform permanent task and therefore, such regularisation already done by the employers themselves could not have been nullified by way of the action impugned in the writ petitions.

85. Now, let this Court deal with the authorities relied on by the learned Senior counsel for the appellants. The Apex Court's decision in **Siraj Ahmad** (supra) draws a clear and constitutionally significant distinction between appointments that are illegal at inception and those that suffer from procedural irregularities attributable to the employee. The Court held that where an employee enters service through a process initiated by the State, for a sanctioned post, and continues for many years without any allegation of fraud, manipulation, or misrepresentation, the appointment cannot be retrospectively declared void merely because certain procedural requirements were not strictly complied with. The Court emphasised that the doctrine of "void *ab initio*" cannot be mechanically applied to undo appointments after prolonged acquiescence by the State, particularly when the employees had no role in alleged irregularities. The principle squarely applies to the present cases, where the appellants were appointed pursuant to advertisement notices issued by the Department, selected through a process conducted under official authority and thereafter, continued in service for nearly 14 years with full knowledge and approval of the State.

86. In **Siraj Ahmad** (supra), the Supreme Court further underscored that administrative lapses or errors in the constitution of selection bodies or in



adherence to executive instructions cannot be visited upon employees who had neither control over nor knowledge of such internal processes. The Court cautioned that permitting the State to invalidate appointments after years of service on such grounds would offend Articles 14 and 16 of the Constitution of India by introducing arbitrariness at the stage of termination, even if entry to service was not perfectly aligned with every procedural prescription. The ratio thus protects employees at the lower rung of the service from being scapegoated for the administration's failure, a consideration of particular relevance in the present cases involving Grade-IV employees.

87. The judgment in **Vinod Kumar** (supra) further strengthens this line of reasoning by affirming that long and uninterrupted service pursuant to an appointment made by the competent governmental set-up gives rise to a legitimate expectation of continuity, which cannot be defeated except for compelling and legally sustainable reasons. The Supreme Court reiterated that where the State has, over a substantial period, treated the appointment as valid by assigning duties, granting benefits and paying regular salaries, it is not open to the employer to later contend that the appointment was a nullity unless the appointment was tainted by fraud or was made in complete disregard of the constitutional scheme. The Court observed that the rule of law demands consistency in the State's action, and the prolonged acceptance of employees' service operates as a strong indicator that the appointment was not perceived as fundamentally illegal at the time it was made.

88. In **Vinod Kumar** (supra), the Supreme Court also clarified that violation of internal guidelines, executive instructions, or approval mechanisms, however mandatory, they may be for administration, does not automatically render the appointment illegal vis-à-vis the employee. The Court held that



such requirements are intended to discipline the administration, not to serve as a hidden condition precedent that can be invoked retrospectively to the detriment of employees. This reasoning directly addresses the state's contention in the present cases regarding the absence of an SIU approval, the appointment during a ban period, and the alleged lack of authority of the Joint Directors, all of which lie within the employer's administrative domain.

89. The recent decision in **Pawan Kr. Tiwary** (supra) reaffirms and consolidates the jurisdiction on protecting long-serving employees appointed through a transparent process. The Supreme Court held that where an employee has served for a considerable period in a sanctioned post, and the appointment was not secured by fraud, the employer cannot invoke technical or procedural defects decades later to terminate the employee's service. The Court observed that the equities in such cases decisively tilt in favour of the employee, particularly when the employer has derived continuous benefit from the employee's service, and no competing rights of third parties are shown to be affected.

90. In **Pawan Kumar Tiwari** (supra), the Supreme Court cautioned against an over-expensive reading of **Uma Devi** (supra) and reiterated that **Uma Devi** does not mandate the wholesale invalidation of all appointments suffering from procedural defects. The Court reiterated that the constitutional concern in **Uma Devi** was to prevent backdoor entries and a parallel recruitment system, and not to push employees who enter service through an open process and serve for long years. This clarification directly supports the appellants' case as their appointments were neither clandestine nor backdoor but were the result of a recruitment exercise initiated by the State authorities, though the State contends that there were irregularities.

91. To summarise, the constitutional position that thus emerges is clear



and admits of little ambiguity. Where appointments to public posts are made pursuant to public advertisements and the recruitment process initiated by the State against existing vacancies, and the appointees have served for long and uninterrupted periods without any allegation of fraud or misrepresentation, such appointments cannot be treated as nullities merely on account of administrative or procedural lapses attributable to the employer. After the extraction of a prolonged service, the State is constitutionally restrained from undoing its own acts to the grave detriment of the employees situated at the lowest ranks of service, more particularly, when there is no allegation of fraud or manipulation and admittedly, appointments were made after a selection process.

92. For the aforesaid reasons, we are unable to sustain the action of the State Government and the judgment of the learned Single Judge.

93. The appeals are accordingly allowed. The common judgment and order dated 29.09.2023, passed by the learned single judge is interfered with. The termination orders issued against the appellants are quashed.

94. The appellants shall be reinstated in service with continuity of service for all notional purposes, including seniority and pensionery benefits as per Rules. However, balancing the equities and bearing in mind the public exchequer, the appellants shall not be entitled to back wages for the interregnum period.

95. The respondent shall give effect to this judgment within a period of eight weeks from the date of receipt of a certified copy of this judgment. There shall be no order as to cost.

**JUDGE**

**CHIEF JUSTICE**



## Comparing Assistant