



GAHC010256042023



DB

2026:GAU-AS:1074-

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 TOLAHajo
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- SHASTRINAGAR
PO- GOALPARA
PIN- 783121
DIST-GOALPARA

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

9: JOY PRAKASH RABI DAS
S/O- LT. SUMER RABI DAS
VILL- SHASTRINAGAR
PO-BALADMARI P.S-GOALPARA
PIN- 783121 DIST- 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- NAGAON PIN- 781311
DIST- BARPETA

12: SANKAR DEY
S/O- RATAN DEY
VILL- J.N. ROAD PO
PS AND DIST- GOALPARA
PIN- 783101

13: SHOBHAN KUMAR NATH



S/O- TIKAL CH. NATH
VILL-GAROBHATKHAWA PO- BHAGBWAN
PIN- 783129DIST- 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.- SHASTRINAGAR
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
HENGRABARI
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)
HANGRABARI
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.

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: BASISHTHA 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. TINGKONG
DIBRUGARH-786612.

8: TRALOKYA SONOWAL

S/O. LT. GAJEN SONOWAL
R/O. MANCOTTA TEPOR GAON
P.O. MANCOTTA
DIBRUAGARH-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 RAJKHUWA
S/O. SRI TARUN RAJKHUWA
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

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.

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 RAJAPOL
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 OF SRI 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 PROBHA 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
REDIDENT OF VILL- MEZENG

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
HENGRABARI
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)
HANGRABARI
GUWAHATI- 36

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
HENGRABARI
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)
HANGRABARI
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



filing 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 caused 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 nonest, 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 gaze 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 **Raghuwar 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 uninterrupted 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 pensionary 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