



GAHC010100712023



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

Case No. : WA/158/2023

MUNINDRA CHANDRA DEKA  
RETURNING OFFICER OF ASSAM PHARMACY COUNCIL, DIRECTOR OF  
HEALTH SERVICE CAMPUS, HENGERABARI, GUWAHATI-36, ASSAM

VERSUS

ASSAM REGISTERED PHARMACIST UNION (ARPU) AND 6 ORS.  
REP. BY ITS GEN. SECY. DIGANTA CHOUDHURY, HAVING ITS REGD  
OFFICE AT PANJABARI, GUWAHATI, KAMRUP ASSAM

2:SRI DIGANTA CHAKRABARTY  
GS OF ARPU  
S/O- DULAL CHAKRABARTY  
R/O- PANJABARI  
BAGHORBORI  
GUWAHATI-37

3:IKBAL HUSSAIN  
CHIEF ORGANISING SECY. OF ARPU  
S/O- RAFIQUIL ISLAM  
R/O- VILLAGE - JARAMARI  
BALISATRA  
DHING  
NAGAON-782122  
ASSAM

4:THE STATE OF ASSAM  
PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM  
HEALTH AND FAMILY WELFARE DEPARTMENT  
DISPUR  
GUWAHATI-06



5:THE DIRECTOR OF HEALTH SERVICES  
ASSAM HENGRABARI  
GUWAHATI 36

6:THE ASSAM PHARMACY COUNCIL  
REP. BY ITS PRESIDENT  
PHARMACY BHAWAN  
DIRECTOR OF HEALTH SERVICE CAMPUS  
HENGERABARI  
GUWAHATI-36  
ASSAM

7:THE REGISTRAR  
ASSAM PHARMACY COUNCIL  
DIRECTOR OF HEALTH SERVICE CAMPUS  
HENGERABARI  
GUWAHATI-3

**Advocate for the Petitioner** : MR B D DAS

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

**BEFORE**  
**HONOURABLE THE CHIEF JUSTICE**  
**HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : 08-06-2023**

Heard the learned counsel for the parties.

The instant intra-court writ appeal is preferred by the appellant herein seeking to assail the order dated 26.04.2023, passed by the learned Single Bench accepting WP(C) 2196/2023 preferred by the respondent nos. 1, 2 and 3 in this appeal and interfering into the Notification dated 10.02.2023, issued for holding the elections of six members of the Assam Pharmacy Council.

There is no dispute amongst the parties that the appellant herein, having been impleaded as respondent in the writ petition, was not heard because the writ petition was disposed of at the motion stage without issuing any formal notice. Thus, though



the remaining five respondents in the writ petition were represented, the appellant herein, despite being arrayed as respondent no. 6 was deprived of the opportunity of putting his case before the learned Single Judge.

As a consequence, we are of the opinion that the order under challenge cannot be sustained because the same was passed without providing opportunity of hearing to the contesting party, i.e. the appellant herein.

Consequently, the impugned order dated 26.04.2023, passed by the learned Single Judge in WP(C) No. 2196/2023 is hereby reversed and set aside. The writ petition will be restored to its original number and will be taken up for consideration on **19.07.2023**.

The names of the learned counsel representing the respective parties shall be reflected in the Causelist.

The writ appeal is allowed accordingly.

*Sd/- Mitali Thakuria*

**JUDGE**

*Sd/- Sandeep Mehta*

**CHIEF JUSTICE**

*ku*  
*09/06/2023*

**Comparing Assistant**

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*Banathan Shouzen*

Date..... *9/6/23* .....

Administrative Officer (Judicial)

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Gauhati High Court

Authorised U/S 76, Act 1, 1872