

GAHC010077682017



2026:GAU-AS:8358

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

Case No. : WP(C)/3190/2018

WALIA MURSHIDA HUDA D/O. DR. M.M. HUDA, R/O. JYOTI NAGAR
TINIALI, P.O., P.S. AND DIST.- DIBRUGARH, ASSAM.

VERSUS

THE STATE OF ASSAM TO BE REPRESENTED BY THE SECRETARY TO THE
GOVT. OF ASSAM, HEALTH AND FAMILY WELFARE(B) DEPARTMENT,
ASSAM SECRETARIAT, DISPUR, GHY-6

2:MEDICAL COUNCIL OF INDIA/NATIONAL MEDICAL COMMISSION
POCKET-14 SECTOR-8 DWARKA PHASE -1 NEW DELHI- 110077 INDIA.

3:ASSAM MEDICAL COUNCIL SIX MILE GUWAHATI ASSAM PIN- 781022

4:PRINCIPAL ASSAM MEDICAL COLLEGE DIBRUGARH
DIST. DIBRUGARH ASSAM PIN- 786004

5:DIBRUGARH UNIVERSITY DIBRUGARH DIST.- DIBRUGARH
PIN- 786004 ASSAM

Advocate for the Petitioner : MR I RAFIQUE, MISS. P M AHMED,MR. M A CHOUDHURY,MR.
A AHMED,MR. DIPJYOTI DEKA,MR. M A CHOUDHURY,MR I RAFIQUE,MRS S A
CHOUDHURY,MS S BARUAH,MR. M A CHOUDHURY,MR D DEKA

Advocate for the Respondent : SC, HEALTH, SC, N M C,MR. N C DAS,MR A DAS,,SC, HEALTH

:::BEFORE:::

HON'BLE MR. JUSTICE BUDI HABUNG

Advocates for the petitioner : Mr. A. Ahmed

Advocates for the respondents : Ms. S. Sarma, SC (Health)

Mr. N. C. Das, Sr. Adv.

Ms. N. Devi

1. Date on which judgment is reserved : 09.06.2026
2. Date of pronouncement of judgment: 12.06.2026
3. Whether the pronouncement is of the operative part of the judgment? NO
4. Whether the full judgment has been pronounced? YES

JUDGMENT & ORDER(CAV)

Heard Mr. A. Ahmed, learned counsel, appearing on behalf of the petitioner. Also heard Ms. S. Sarma, learned standing counsel, Health Department, appearing on behalf of respondent Nos. 1, 3 & 4; Mr. Debanga K. Baidya, learned standing counsel, National Medical Commission, appearing on behalf of respondent No. 2; and Mr. N. C. Das, learned senior counsel, assisted by Ms. N. Devi, learned counsel, appearing on behalf of respondent No. 5.

2. The petitioner claims to have been admitted pursuant to a Government decision and said to have completed her final MBBS and internship from Assam Medical College, Dibrugarh, by filing this writ petition under Article 226 of the Constitution of India, is seeking direction to the respondent to issue her original Final MBBS Pass certificate.

3. The contention of the petitioner is that she was admitted to the Assam Medical College, Dibrugarh, for MBBS course pursuant to the order dated 14.12.2010, issued by the Commissioner to the Government of Assam, Health & Family Welfare Department, she along with 13(thirteen) others, were permitted to continue their studies and complete the course. Accordingly, the petitioner has completed the MBBS course in the year 2011. The petitioner also completed her internship of 1(one) year on 24.01.2012. As the petitioner was not given regular registration by the respondent No. 5, she filed a writ petition before this Court being WP(c)868/2016 and by order dated 18.03.2016, the co-ordinate Bench of this Court directed the respondent authorities to take steps strictly in terms of the order dated 14.12.2010,

issued by the respondent No. 1 by allowing the petitioner to get her registration. Accordingly, the petitioner has already been granted final registration pursuant to the order of this Court on 31.03.2016 issued on 01.04.2016, by the Assam Council of Medical Registration, Khanapara, Guwahati. However, the original pass certificate of the petitioner has not yet been issued to her.

4. It is submitted that the petitioner made a representation before the college authority for issuance of her MBBS Degree certificate, however, the same has not yet been granted although the original MBBS Degree certificates of similarly situated persons had already been issued by the University authority.

5. It is submitted that the criminal case registered against the petitioner and others, is still pending at the stage of evidence and out of 42(forty two) PWs, only, 10(ten) PWs has so far been examined. As such, there is no conviction as on date and the trial of the case is likely to take longer time. It is also submitted that the respondent authority themselves have admitted at Para No. 5 of the affidavit filed by the respondent No. 5 that the original Final MBBS Pass certificate were issued to 2(two) other similarly situated candidates, namely, Jutitara Das and Aviral Watsa, therefore, it is submitted that withholding the original Final MBBS Pass certificate in case of the petitioner despite successful completion of the course, and grant of registration is causing prejudice and against the principle of parity.

6. Having heard the learned counsel for the parties and upon perusal of the materials available on record, it appears that the petitioner was admitted into the MBBS Course in Assam Medical College, Dibrugarh. Although a criminal

case was registered and was under investigation in connection with their admission in MBBS Course, however, the petitioner was subsequently permitted by the Government order dated 14.10.2012, to continue and complete the MBBS Course. The petitioner, thereafter, successfully completed the MBBS Course as well as her internship.

7. It is also not disputed that pursuant to the order dated 18.03.2016, passed by this Court in WP(c)868/2016, the petitioner has already been granted registration by the Assam Council of Medical Registration, Khanapara, Guwahati. Thus, it is evident that the authorities had acknowledged the successful completion of the MBBS Course by the petitioner and her eligibility for registration for such course.

8. The sole ground for withholding the Original Final MBBS Pass certificate appears to be the pendency of the criminal case arising out of the CBI investigation and subsequent trial relating to her admission. However, it is seen that the respondent has admitted in their affidavit that the original Final MBBS Pass certificates have already been issued to certain similarly situated candidates.

9. Upon consideration of the facts and circumstances of the case, this Court is of the considered view that mere pendency of a criminal proceeding, without there being any adjudication of guilt, cannot by itself consists a valid basis for indefinite withholding of the original Final MBBS Pass certificate, particularly, when the petitioner has successfully completed the Course and statutory internship, and has also been granted registration by the competent authority.

10. However, at the same time, since the criminal proceeding is stated to be pending against the petitioner and others before the competent Court, the right of the parties must remain subject to the outcome of such proceeding.

11. Accordingly, in view of the above, the respondent authorities, more particularly, the respondent No. 5 i.e. Principal, Assam Medical College, Dibrugarh, is directed to issue and deliver the original Final MBBS Pass certificate to the petitioner, if not, already issued to her within a period of 2(two) months from the date of receipt of a certified copy of this order.

12. It is further provided that the respondent authority shall also take appropriate steps for forwarding/updating the particulars of the petitioner before the concerned regulatory authority so that her registration particulars are duly reflected in the official records, if the same has not already been done.

13. While making the above directions, it is, however, made clear that issuance of the original Final MBBS Pass certificate and consequential recognition of the petitioner's qualification pursuant to this order shall remain subject to the final outcome of the criminal proceeding arising out of CBI case/ FIR No. 02/2007 and any order that may be passed by the competent Court, therein.

14. With the above, the writ petition stands allowed to the extent indicated above and accordingly, disposed of.

JUDGE

Comparing Assistant