

GAHC010000822023



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

Case No. : WP(C)/64/2023

DULEN GOGOI
S/O- LATE RAM CHANDRA GOGOI,
R/O- VILLAGE DIGHALA GAON,
P.O- MANIKA CHUK,
P.S- DHAKUAKHANA,
DIST- LAKHIMPUR, ASSAM, PIN-787055

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY CUM CHAIRMAN STATE
LEVEL COMMITTEE DISPUR, GUWAHATI - 06.

2:THE DEPUTY COMMISSIONER
CUM-CHAIRMAN OF DISTRICT LEVEL COMMITTEE
LAKHIMPUR
NORTH LAKHIMPUR
PIN-787011

3:THE INSPECTOR OF SCHOOLS
LAKHIMPUR
NORTH LAKHIMPUR
PIN-787011

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
LAKHIMPUR
NORTH LAKHIMPUR
PIN-787011

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
BORDALONI GUGAMUKH BLOCK

DIST-LAKHIMPUR
PIN-787011

6:THE HEAD MASTER
OF AKHOIPHITIA
M.E SCHOOL
DHAKUAKHANA
DIST-LAKHIMPUR
PIN-78701

Advocate for the Petitioner : MR. A KHANIKAR
Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

21-08-2023

Heard Mr. A. Khanikar, learned counsel for the petitioner. Also heard Mr. G. Pegu, learned Government Advocate, appearing on behalf of respondent Nos. 1 and 2 and Mr. A. Phukan, learned standing counsel, Education (Elementary) Department, appearing for respondent Nos. 3, 4 and 5.

2. The father of the petitioner while serving as an Assistant Teacher in Akhoiphutia M.E. School, under Bordaloni Block, in the district of Lakhimpur, Assam, died-in-harness on 28-01-2011. Thereafter, the petitioner made an application in prescribed format for appointment on compassionate ground. The case of the petitioner was placed before the District Level Committee (DLC) on 10-08-2011, 21-04-2012 and 16-03-2013, however, his case was not recommended.

3. As there was no information with regard to the status of his application for appointment on compassionate ground for a very long period, the petitioner made an application under RTI Act and in reply to the said application, the petitioner was informed that his case was placed before the DLC in its meetings held on 10-08-2011, 21-04-2012 and 16-03-2013, however, his name was not recommended. It was further informed that only the recommended candidates list were recorded in

the minutes and the list of rejected candidates were not recorded in the minutes at the period of time. It was further stated that the reasons for rejecting the case of the petitioner is not known.

4. It is the case of the petitioner that despite consideration of his case by the DLC on three occasions, i.e. on 10-08-2011, 21-04-2012 and 16-03-2013, no information was furnished to the petitioner and the same has been done in contravention of Clause 24(d) of the Office Memorandum dated 01-06-2015, issued by the Additional Chief Secretary to the Government of Assam, Department of Personnel: Personnel (B).

5. A perusal of the RTI reply, dated 07-11-2022, given by the Additional Deputy Commissioner, Lakhimpur, clearly indicates that only the names of the recommended candidates were recorded and the list of rejected candidates were not recorded during the said period. A further perusal of the Office Memorandum dated 01-06-2015, would indicate that under Clause-24(d), it is provided that while disposing of applications by way of rejection, clear speaking order should be recorded stating the reason for rejection and a copy of such order shall be furnished to the applicants. This has not been done in respect of the petitioner.

6. In that view of the matter, the matter is remanded to the DLC to reconsider the case of the petitioner in accordance with law, in its next immediate sitting. Thereafter, the outcome of the consideration of the case of the petitioner shall be communicated to the petitioner.

7. With the above observation and direction, the present writ petition stands disposed of.

JUDGE

Comparing Assistant