

GAHC010009012023



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

Case No. : WP(C)/333/2023

PRANJAL PRATIM MILI
S/O LATE TIPESWAR MILI
VILL- BOLOMA GAON
P.O. DISANGMUKH
P.S. SIVASAGAR, ASSAM
PIN-785663

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF EDUCATION (ELEMENTARY), ASSAM, DISPUR,
GUWAHATI, PIN-781006

2:THE SECRETARY TO THE GOVT. OF ASSAM
HIGHER EDUCATION DEPARTMENT
ASSAM DISPUR GUWAHATI PIN-781006

3:THE STATE LEVEL COMMITTEE
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR GUWAHATI ASSAM PIN-781006

4:THE DISTRICT LEVEL COMMITTEE
SIVASAGAR DISTRICT
REP. BY ITS DEPUTY COMMISSIONER
DIST. SIVASAGAR PIN-785640

5:DEPUTY COMMISSIONER
SIVASAGAR DIST. SIVASAGAR
PIN-785640

6:THE ADDL. DEPUTY COMMISSIONER (P)
SIVASAGAR DIST. SIVASAGAR
PIN-785640

7:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
SECONDARY EDUCATION DEPARTMENT
DISPUR GUWAHATI-781006

8:THE DIRECTOR OF ELEMENTARY EDUCATION
KAHILIPARA GUWAHATI
PIN-781019

9:THE INSPECTOR OF SCHOOLS
AND DISTRICT ELEMENTARY EDUCATION OFFICER
SIVASAGAR DIST. SIVASAGAR
PIN-78564

Advocate for the Petitioner : MR. C BORUAH
Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

02-02-2023

Heard Mr. A. Boruah, learned counsel for the petitioner and Mr. P. N. Sarma, learned Standing Counsel, Department of School (Elementary) Education, Assam for the respondent Nos. 1, 2 and 7 to 9. Also heard Ms. D. Das Barman, learned Government Advocate, Assam for the respondent Nos. 3 to 6.

Father of the petitioner, Tipeswar Mili, an Assistant Teacher in 506 Sumoni Mising Lower Primary School in the District of Sivasagar died in harness on 07.10.2015.

The petitioner being eligible filed an application for his appointment on compassionate ground on 27.07.2016 before the Deputy Inspector of School, Sivasagar.

However, the application of the petitioner was rejected by the DLC for compassionate appointment, Sivasagar on 20.08.2018 observing that at the time of filing of the said application for compassionate appointment on 27.07.2016, he did not annex the death certificate of his later father along with his said application.

Petitioner, thereafter approached this Court in WP(C) No. 3287/2022 (Pranjal Pratim Mili Vs. State of Assam and others) and the Court by order dated 23.05.2022 disposed of the said writ petition observing that the District Elementary Education Officer (DEEO), Sivasagar duly accepted the application of the petitioner for his compassionate appointment and the respondent authorities did not state any reason, as to why the said death certificate of the late father of the petitioner (Annexure-1 to this writ petition) was not placed before the said DLC, Sivasagar. Accordingly, the Court by order dated 23.05.2022 directed the DEEO, Sivasagar to place the case of the petitioner before the next available DLC for compassionate appointment, Sivasagar for consideration of his case for compassionate appointment.

Accordingly, the case of the petitioner was again placed before the DLC for compassionate appointment, Sivasagar and the said DLC on 20.08.2022 recommended the name of the petitioner to the SLC for compassionate appointment for a Grade-IV post against 183 numbers of vacancies under the Inspector of Schools, Sivasagar, as there is no vacancy available in the office of the DEEO, Sivasagar.

As the respondent authorities have not yet placed the case of the petitioner before the State Level Committee for compassionate appointment, he has preferred this writ petition for a direction to the respondent authorities to place the said recommendation of the DLC for compassionate appointment, Sivasagar of the petitioner before the SLC for necessary approval and for approval of his appointment on compassionate ground.

Pursuant to the order dated 23.01.2023, the Secretary to the Government of Assam in Department of School Education vide communication No.E.270272 dated 26.01.2023, placed before the Court today through Mr. P. N. Sarma, learned Standing Counsel, Department of School (Elementary) Education apprising the Court that the recommendation of the DLC for compassionate appointment, Sivasagar in respect of the petitioner is under examination and shall be processed for placing the same before

the next available meeting of the SLC for compassionate appointment.

In view of the said observation of the Secretary to the Government of Assam in the Department of School Education dated 26.01.2023, the Member Secretary of the State Level Committee for compassionate appointment in the Education Department-cum-Secretary to the Government of Assam in the Department of School Education is directed to place the case of the petitioner before the next meeting of the SLC for compassionate appointment to consider the recommendation of the DLC for compassionate appointment, Sivasagar, whereby, the said DLC recommended the name of the petitioner for his appointment on compassionate ground in a Grade-IV post under the Inspector of Schools, Sivasagar.

On being placed before the State Level Committee for compassionate appointment, the said Committee shall consider the case of the petitioner in accordance with law and shall intimate the petitioner about its decision with regard to his appointment on compassionate ground as recommend by the DLC for compassionate appointment, Sivasagar.

Petitioner shall submit a certified copy of this order before the Secretary to the Government of Assam in the Department of School Education forthwith obtaining necessary acknowledgement from the said authority.

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

JUDGE

Comparing Assistant