

GAHC010010132022



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

Case No. : WP(C)/1703/2022

AKBAL HUSSAIN LASKAR
S/O- LATE ILIAS ALI LASKAR, VILLAGE BARBOND PART-I, P.O- BARBOND,
P.S- LALA, DIST- HAILAKANDI, ASSAM, PIN-788164

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF ELEMENTARY EDUCATION DISPUR, GHY 06

2:THE DIRECTOR
OF ELEMENTARY EDUCATION
ASSAM KAHILIPARA
GUWAHATI-19
ASSAM.

3:THE STATE LEVEL COMMITTEE
HAILAKANDI
FOR COMPASSIONATE APPOINTMENT
REP. BY ITS CHAIRMAN
THE CHIEF SECRETARY
TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-781006.

4:THE DISTRICT LEVEL COMMITTEE
HAILAKANDI
FOR COMPASSIONATE APPOINTMENT
REP. BY ITS CHAIRMAN
THE DEPUTY COMMISSIONER
HAILAKANDI
DIST- HAILAKANDI

ASSAM
PIN-788151

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
HAILAKANDI
DIST- HAILAKANDI
ASSAM
PIN-78815

Advocate for the Petitioner : MR. S B LASKAR

Advocate for the Respondent : SC, ELEM. EDU

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

09/02/2023

Heard Mr. F Z Mazumder, learned counsel for the petitioner. Also heard Mr. P N Sarma, learned Standing counsel, Department of School (Elementary) Education for the respondent Nos. 1, 2 & 5 and Mr. G Pegu, learned Government Advocate, Assam for the respondent Nos. 3 & 4.

Father of the petitioner, Ilias Ali Laskar, a Grade-IV employee of Bowerpar M.E. School under Lala Education Block of District-Hailakandi, a provincialized Elementary School of the State, died-in-harness on 07.06.2013.

The petitioner being eligible applied before the District Elementary Education Officer, Hailakandi for his appointment to the Grade-IV post against the earmarked quota of 5% of total vacancies for his compassionate appointment.

It is stated by the petitioner that the District Level Committee for compassionate appointment, Hailakandi in its meeting held on 05.10.2021 though found him eligible for such compassionate appointment, but due to non-availability of vacancy in the cadre of Grade-IV within 5% of total cadre strength, his case could not be recommended by the said DLC to the State Level Committee (SLC) for compassionate appointment, keeping his case pending for the next meeting of the said DLC and the said observation of the DLC, Hailakandi was communicated to the petitioner by

the Deputy Commissioner-cum-Chairman of District Level Committee, Hailakandi on 11.10.2021.

The respondent No. 4, DLC, Hailakandi represented by its Chairman-cum-Deputy Commissioner, Hailakandi in its affidavit filed on 20.10.2022 reiterated the facts that the DLC, Hailakandi in its meeting dated 05.10.2021 though considered the case of the petitioner, but could not recommend his name to the SLC due to non-availability of vacancy in the cadre of Grade-IV within 5% quota for compassionate appointment and accordingly, decided to place the case of the petitioner in the next meeting of the said DLC.

After hearing the learned counsels for the parties and considering the entire aspect of the matter, this writ petition is disposed of directing the District Elementary Education Officer, Hailakandi to place the case of the petitioner for his compassionate appointment under the die-in-harness scheme before the DLC, Hailakandi in its next meeting in terms of its earlier decision dated 05.10.2021, noted above, if in the meanwhile, his case has not been considered by the said DLC.

Petitioner shall submit a certified copy of this order along with a copy of this writ petition including the annexures appended thereto as well as the affidavit of the respondent No. 4, DLC, Hailakandi before the District Elementary Education Officer, Hailakandi, respondent No. 5 forthwith, obtaining necessary acknowledgment from the said authority in that regard.

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

JUDGE

Comparing Assistant