

GAHC010011022023



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

**Case No. : WP(C)/374/2023**

BISHAL NATH  
S/O- BIBHASH NATH, AND LATE LALITA DEVI,  
R/O- VILL- PALADAHAR,  
P.O- BAZARGHAT, DIST- KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS  
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,  
DEPARTMENT OF SCHOOL EDUCATION , DISPUR, GUWAHATI-781006

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

3:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM  
KAHILIPARA  
GUWAHATI-781019

4:THE DISTRICT LEVEL COMMITTEE  
REP. BY ITS CHAIRMAN  
THE DEPUTY COMMISSIONER  
KARIMGANJ  
DIST- KARIMGANJ  
ASSAM  
PIN-788722

5:THE INSPECTOR OF SCHOOLS

KDC  
KARIMGANJ

P.O AND DIST- KARIMGANJ  
ASSAM  
PIN-78872

**Advocate for the Petitioner** : MR. M KHAN

**Advocate for the Respondent** : SC, SEC. EDU.

**BEFORE**

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

**27-01-2023**

Heard Mr. M. Khan, learned counsel for the petitioner and Mr. S.M.T. Chistie, learned Standing counsel, Department of School (Secondary) Education, Assam for the respondent Nos. 1, 3 & 5. Also heard Mr. S.R. Baruah, learned Government Advocate, Assam for the respondent Nos. 2 & 4.

It is submitted by the petitioner that his mother Lalita Devi, who was serving as an Alternative Language Teacher in Chargola Public Higher Secondary School, Bazarghat District-Karimganj, died-in-harness on 23.11.2016 leaving behind her husband Bibhash Nath (widower) and the petitioner.

It is also submitted by the petitioner that at the time of death of his mother, she had more than 7 years of Government service. The father of the petitioner received family pension on the death of his wife (mother of the petitioner) and in that regard, he has shown before the Court the Pension Pay Order No. ADP/PPO/GPO/2021/077222 issued by the Directorate of Pension, Assam.

The petitioner is a Master Degree holder in the subject of Computer Science obtained from Assam University, Silchar who belongs to "Yogi", community of "Other Backward Classes".

It is stated by the petitioner that he submitted an application on 16.02.2017 before the Principal of said Chargola H.S. School, Bazarghat, District-Karimganj for his appointment on compassionate ground under the die-in-harness scheme on the death of his mother.

It is also stated by the petitioner that though the Principal of said Chargola H.S. School by its communication No. CPHSS/Apptt/16/17 dated 18.02.2017 forwarded the application of the petitioner

for his compassionate appointment under the die-in-harness scheme on the death of his mother submitted in the format as prescribed in the Office Memorandum No. ABP 50/2006/Pt/182 dated 01.06.2015 issued by the State Government in the Personnel (B) Department of the State to the District Level Committee for compassionate appointment, District-Karimganj, but till date, the said DLC for compassionate appointment, District-Karimganj, has not informed him about the outcome of his said application dated 16.02.2017, noted above.

After hearing the learned counsels for the parties and considering the entire aspect of the matter, the Inspector of Schools, Karimganj District Circle, Karimganj respondent No. 5 is directed to place the case of the petitioner for his compassionate appointment under the die-in-harness scheme on the death of his mother before the next meeting of the District Level Committee for compassionate appointment, District-Karimganj and to intimate the petitioner about the outcome of his application dated 16.02.2017, noted above.

Further, if in the meanwhile, the case of the petitioner has already been considered by the DLC, Karimganj, the Inspector of Schools, Karimganj District Circle, Karimganj, shall intimate the petitioner about the outcome of his said application dated 16.02.2017.

Petitioner shall submit a certified copy of this order along with copy of this writ petition including the annexures appended thereto before the Inspector of Schools, Karimganj District Circle, Karimganj 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**