

GAHC010012782023



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

Case No. : WP(C)/346/2023

NAZIR AHMED TALUKDAR
S/O- LATE HABIB ALI TALUKDAR, R/O- HAILAKANDI TOWN, WARD NO. 2,
LALA ROAD, P.O- VICHINGCHA, P.S AND DIST-HAILAKANDI, ASSAM, PIN-
788151

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP.BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
PWD DEPTT, DISPUR, GHY- 06

2:THE CHIEF ENGINEER
PWD
RURAL ROAD DIVISION
CHANDMARI
GUWAHATI- 03

3:THE EXECUTIVE ENGINEER
PWD
RURAL ROAD DIVISION
HAILAKANDI
P.O AND DIST- HAILAKANDI
ASSAM
PIN- 788151

4:THE DISTRICT LEVEL COMMITTEE
HAILAKANDI FOR COMPASSIONATE APPOINTMENT
REP. BY THE DEPUTY COMMISSIONER
HAILAKANDI
DIST- HAILAKANDI
ASSAM
PIN- 788151

5:THE STATE LEVEL COMMITTEE
FOR COMPASSIONATE APPOINTMENT
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GHY- 0

Advocate for the Petitioner : MR. S B LASKAR
Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

25-08-2023

Heard Shri H. A. Laskar, learned counsel for the petitioner. Also heard Shri B. Choudhury, learned Standing Counsel, Public Works Department as well as Shri C. S. Hazarika, learned State Counsel.

Considering the subject matter involved and as agreed to by the parties, the instant writ petition is disposed of at the admission stage. The subject matter is of consideration for appointment on compassionate ground.

The projected case of the petitioner is that the mother of the petitioner, Nur Khatun was a Gr-IV employee in the Office of the Executive Engineer, PWD Rural Road Division, Hailakandi and had died-in-harness on 17.02.2012. Under the scheme for appointment on compassionate ground, the petitioner had made necessary application whereafter on 12.11.2014 his case was recommended by the District Level Committee, Hailakandi. However, the said recommendation was not considered by the State Level Committee for which the petitioner had earlier filed WP(C) No. 6424/2018 in which this Court had passed an order dated 10.05.2019 directing for consideration of the case of the petitioner.

Shri Laskar, the learned counsel for the petitioner has submitted that from the speaking orders passed pursuant to the order of the High Court dated 10.05.2019, it could be learnt that the State Level Committee already had a meeting on 19.06.2018

in which the application of the petitioner was considered and the application of the petitioner had rejected the same on two principal grounds namely:-

- (i) There is no vacancy within 5% quota and
- (ii) The petitioner is under qualified.

The learned counsel has submitted that though the petitioner may not have the qualification to be considered for appointment in any Gr-III posts, since he is Higher Secondary pass, he has the qualification to be considered for any Gr-IV posts which exercise does not appear to have been done.

Both Shri Choudhury, the learned Standing Counsel, PWD and Shri Hazarika, the learned State Counsel are not opposed to the proposal of the Court to have a fresh consideration of the case of the petitioner in any Gr-IV vacancies which may be existing.

In view of the aforesaid facts and circumstances, though no fault is attributed to the SLC for rejecting the case of the petitioner as the grounds for such rejection is found tenable, the SLC is directed to make a fresh assessment of the case of the petitioner for appointment on compassionate ground in any Gr-IV post which would be commensurate to the educational qualification of the petitioner.

The said exercise may be done in the next meeting of the SLC whenever it is scheduled.

The writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant