

GAHC010018962016



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

Case No. : WP(C)/3750/2016

SUCHITRA DAS
S/O- LT. DURLAV CHANDRA DAS, R/O VILL.- MACHARHA, P.O., P.S. and
DIST.- JORHAT, ASSAM, PIN- 785001.

VERSUS

THE STATE OF ASSAM and 5 ORS
REP. BY THE CHIEF SECY., GOVT. OF ASSAM, DISPUR, GHY- 6.

2:THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
EDUCATION DEPTT.
DISPUR
GHY- 6.

3:THE STATE LEVEL COMMITTEE
REP. BY THE CHAIRMAN / CHIEF SECY. TO THE GOVT. OF ASSAM
DISPUR
GHY- 6.

4:THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM
DEPTT. OF FINANCE
DISPUR
GHY- 6.

5:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GHY- 19.

6:THE INSPECTOR OF SCHOOLS
JORHAT DIST. CIRCLE
JORHAT

PIN- 785001

Advocate for the Petitioner : MR.G KAKATI

Advocate for the Respondent : SC, FINANCER 4

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 31-03-2023

Heard Mr. S.B. Prasad, learned counsel for the petitioner as well as Ms. D.D. Barman, learned Addl. Senior Govt. Advocate for the respondent nos.1 and 3 and Mr. U. Sarma, learned standing counsel for the Education Department appearing for the respondent nos.2, 5 and 6 and Mr. A. Chaliha, learned standing counsel for the respondent no.4.

2. The case of the petitioner is that his father was working as UDA in Giterthi Girls High School, Jorhat who died-in-harness on 27.10.2004. The application for compassionate appointment was forwarded to the concerned authorities and by letter dated 26.07.2005 by the Deputy Secretary, Govt. of Assam has stated to resubmit in the prescribed format. Accordingly, the said application of the petitioner was resubmitted in the format enclosed in the said letter. The District Level Committee (DLC) had approved the name of the petitioner. However, the SLC had rejected the application on the ground that the application was submitted late. The petitioner had earlier approached this Court by filing WP(C) 2067/2010, which was disposed of by order dated 19.11.2010 by directing the SLC to consider the case of the petitioner as per law and to pass appropriate orders.

3. The SLC in its meeting held on 18.02.2016 rejected the claim of the petitioner without considering that the petitioner had applied for compassionate appointment in due time. It is not disputed that the DLC in its meeting held on 29.12.2008 had recommended the name of the petitioner for compassionate appointment, but it appears from the contents of Annexure-9 to the writ petition, which is a communication under memo no.PRGH/Comp/2009-10/4801-02 dated 02.02.2010 that the application of the petitioner for compassionate appointment was rejected due to non-availability of vacant post of L.D.A. and he was also not approved for selection by DLC then.

4. The fact that the DLC had rejected the candidature of the petitioner also finds mention in the order dated 19.11.2010, passed by the Coordinate Bench of this Court in WP(C) 2067/2010. Nonetheless, direction was issued for reconsideration by the SLC. It is projected that thereafter the SLC has again rejected the application by order dated 18.02.2016. Hence, the Court is of the considered opinion that once the DLC has rejected the candidature of the petitioner, as reflected in the communication dated 02.02.2010 referred to above and reiterated in the order of this Court dated 19.11.2010 passed in WP(C) 2067/2010, there cannot be a repetitive consideration of the application of the petitioner for compassionate appointment, which relates to the period of the year 2004-05.

5. Once the application of the petitioner had been considered and rejected, the application is deemed to have been disposed of and would not survive for a fresh consideration, notwithstanding that the application was made again in the appropriate format.

6. In that view of the matter the Court does not find merit in the writ petition of the petitioner for claiming appointment on compassionate grounds and accordingly, this writ petition stands dismissed.

7. There shall be no order as to cost.

JUDGE

Comparing Assistant