

GAHC010034062023



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

Case No. : WP(C)/1033/2023

DHIRAJ SAHARIA
S/O- LT. MAHI RAM SAHARIA, R/O- VILL- SENAPATIPARA, P.O.
BURHINAGAR, P.S. SIPAJHAR, DIST.- DARRANG, ASSAM, PIN- 784147

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE SECY. TO THE GOVT. OF ASSAM, DEPTT. OF SCHOOL
EDUCATION, DISPUR, GHY-06

2:THE DY. SECRETARY TO THE GOVT. OF ASSAM
DEPTT. OF SCHOOL EDUCATION
DISPUR
GHY-06

3:THE DIRECTOR
SECONDARY EDUCATION
ASSAM
KAHILIPARA
GHY-19

4:THE CHIEF SECRETARY CUM CHAIRMAN
STATE LEVEL COMMITTEE FOR COMPASSIONATE APPOINTMENT
ASSAM
DISPUR
GHY-06

5:THE DY. COMMISSIONER CUM CHAIRMAN
DISTRICT LEVEL COMMITTEE FOR COMPASSIONATE APPOINTMENT
DARRANG DISTRICT
MANGALDAI
PIN- 784125

6:THE INSPECTOR OF SCHOOLS

DARRANG DISTRICT CIRCLE
DARRANG
PIN- 78412

Advocate for the Petitioner : MR. P K BARMAN

Advocate for the Respondent : GA, ASSAM

B E F O R E
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

24-02-2023

Heard Mr. S. Chutia, learned counsel for the petitioner. Also heard Mr. U. Sarma, learned Standing Counsel, Department of School Education (Secondary) for Respondents No.1, 2, 3 and 6; and Mr. G. Pegu, learned Government Advocate, Assam for Respondents No.4 and 5.

The father of the petitioner, while serving as an Assistant Teacher in Padum Pukhuri High School, Darrang, died-in-harness on 7.5.2012. Thereafter, the petitioner made an application on 1.9.2012 for appointment on compassionate ground. The case of the petitioner was considered by the DLC in its meeting held on 31.12.2021 and his case was recommended for appointment on compassionate ground. However, as no step was taken and no information was given to the petitioner, the petitioner made an application under the RTI seeking certain clarifications and, in reply thereto, the Additional Deputy Commissioner (P), Darrang wrote a letter dated 14.11.2022 and the same is reproduced hereinbelow :

**“GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER ::: DARRANG ::: MANGALDAI
(PERSONNEL BRANCH).**

No.DPN-13/2020/629 Dated Mangaldai the 14th November, 2022.

**To : Sri Dhiraj Saharia,
 S/O Late- Mahl Ram Saharia,
 Vill-Senapatipara,
 PO-Burhinagar,
 PS-Sipajhar,
 Dist-Darrang,
 Pin-784147.**

Sub :- Submission of DLS minutes alongwith recipient acknowledgement copy.

Ref : Your petition dtd.01/11/2022.

Sir,

With reference to the subject cited above, I am to inform you that on the basis of your application, the proposals for appointment on compassionate ground were placed before the DLC meeting held on 31/12/2021, under the chairmanship Deputy Commissioner, Darrang. The proposal was considered and recommended for appointment on compassionate ground in the name of Dhiraj Saharia. The proposals were submitted vide this office minutes letter No. DPN.13/2020/212-215 dtd. 04/01/2022 by email address [EEDASSAMDISPUR@ GMAIL.COM](mailto:EEDASSAMDISPUR@GMAIL.COM) to the Principal Secretary to the Govt. of Assam, Education (Secondary) Department, Janata Bhawan, Dispur, Guwahati-06 for favour of kind necessary approval for placing in the next SLC meeting of the proposals in favour of 2 nos. applicants namely Dhiraj Saharia and Ritusmita Devi for the post of Junior Assistant (Gr.III). One of Asstt. Teacher namely Mridnka Barua and another proposal for the post of Grade-IV in the name of Kshirada Saharia.

Accordingly, the undersigned had served the proposals (Hard & Soft copies) by the Process Server (Jarikarak) dtd. 05/01/2022 and submitted the proposals to the Govt. on the same date in pursuance of Govt.

instruction (enclosed acknowledgement copy).

This is for your kind information and necessary action.

***Yours faithfully,
Sd/-
Addl. Deputy Commissioner (P)
Darrang, Mangaldai."***

A perusal of the letter dated 14.11.2022 clearly indicates that the case of the petitioner was recommended for appointment on compassionate ground, however, it is not clear whether the SLC has considered the case of the petitioner.

Accordingly, the Deputy Commissioner, Darrang/Respondent No.5 is directed to place the recommendation of the DLC in respect of the petitioner before the State Level Committee in its next immediate sitting for consideration of the case of the petitioner, if not already placed. If the SLC has already considered the case of the petitioner, the outcome of the meeting of the SLC shall be communicated to the petitioner forthwith.

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

JUDGE

Comparing Assistant