

GAHC010049932022



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

Case No. : WP(C)/1967/2022

PURNA KANTA PEGU

S/O- LATE MONI KANTA PEGU @ LATE ATUL PEGU, R/O- VILL.- CHEREPAI,
P.O. AND P.S. JENGRAI MUKH, DIST. MAJULI, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.

REPRESENTED BY CHIEF SECRETARY, GOVERNMENT OF ASSAM, DISPUR,
GUWAHATI-781006.

2:THE STATE LEVEL COMMITTEE

REPRESENTED BY CHIEF SECRETARY
GOVERNMENT OF ASSAM

DISPUR

GUWAHATI

PIN- 781006.

3:THE STATE OF ASSAM

REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT
OF ASSAM

EDUCATION DEPARTMENT

DISPUR

GUWAHATI

PIN- 781006.

4:THE DIRECTOR OF ELEMENTARY EDUCATION

ASSAM

KAHILIPARA

GUWAHATI

PIN- 781019

KAMRUP METRO DISTRICT

ASSAM

5:DISTRICT LEVEL COMMITTEE

OFFICE OF THE DEPUTY COMMISSIONER

MAJULI

ASSAM

6:DISTRICT ELEMENTARY EDUCATION OFFICER

MAJULI
ASSA

Advocate for the Petitioner : MR. N BARMAN
Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

27-01-2023

Heard Mr. N. Barman, learned counsel for the petitioner and Ms. D. Das Barman, learned Government Advocate, Assam for the respondent Nos.1, 2 and 5. Also heard Mr. A. Phukan, learned Standing Counsel, Department of School (Elementary) Education, Assam for the respondent Nos. 3, 4 and 6.

It is stated that the father of the petitioner, Atul (Mani Kanta) Pegu, Assistant Teacher of No.155 Ujoni Cherpai Primary School under the Deputy Inspector of Schools, Majuli, Kamalabari died-in-harness on 25.10.2008 leaving behind his widow i.e., mother of the petitioner, a daughter and 4 sons, including the petitioner.

It is stated that though the petitioner approached the authorities concerned for his compassionate appointment in time, but it was not considered. As such, the petitioner approached the higher authorities and the Deputy Secretary to the Government of Assam in the Secretariat of the Chief Minister of the State by communication No.CMS.(MC)10/2017/123-A dated 21.07.2018 forwarded the application of the petitioner to the Commissioner and Secretary to the Government of Assam in the Elementary Education Department to take necessary action on the said application of the petitioner.

As nothing progressed, the petitioner has filed this writ petition on 10.03.2022 for a direction to the respondents herein to consider his candidature for compassionate appointment in a post of Grade-IV or in any other post on compassionate ground.

The petitioner has also filed an additional affidavit in the matter on 28.06.2022 furnishing a copy of his application dated 12.01.2019 that was submitted before the Deputy Inspector of Schools, Majuli, Kamalabari praying for his compassionate appointment as his father, Atul (Mani Kanta) Pegu, Assistant Teacher of No.155 Ujoni Cherpai Primary School died-in-harness on 25.10.2008.

Petitioner has also placed a copy of the Pension Pay Order regarding payment of family pension payable to the mother of the petitioner, Bidyawati Pegu, widow of late Atul (Mani Kanta) Pegu, Assistant Teacher of No.155 Ujoni Cherpai Primary School issued by the Director of Pension, Assam, so as to submit that the father of the petitioner was a Government employee.

It is to be noted herein that the petitioner has filed this writ petition after 13 years 5 months from the date of death of his father for his compassionate appointment.

After hearing the learned counsels for the parties and considering the entire aspect of the matter, this writ petition is disposed of directing the respondent authorities, more particularly, the District Elementary Education Officer (DEEO), Majuli being the Member Secretary of the District Level Committee for compassionate appointment of District-Majuli pertaining to Government employee under his jurisdiction after due verification of the application submitted by the petitioner with regard to his compassionate appointment that he filed before the Deputy Inspector of Schools, Majuli, Kamalabari, to place it before the DLC for compassionate appointment, District-Majuli in its next meeting for consideration of the case of the petitioner for his compassionate appointment.

In the event of finding any such application of the petitioner pending for his compassionate appointment, within the appropriate time, considering the fact that his father Atul (Mani Kanta) Pegu died-in-harness on 25.10.2008, the said DLC for compassionate appointment, District-Majuli following the law laid in the cases of

Achyut Ranjan Das and others Vs. State of Assam and others, reported in 2006 (4) GLT 674, as well as in the case of *Faziron Nessa Vs. State of Assam and Ors.* reported in 2010 (4) GLT 340 and as per the relevant Office Memorandums/Notifications regarding compassionate appointment shall consider the case of the petitioner for his appointment on compassionate ground under the Die-in-Harness Scheme of the State as applicable in his case, if not considered earlier and shall take a decision in terms of the said observations and shall communicate the petitioner about the outcome of the same.

Further, if the case of the petitioner for his compassionate appointment has already been considered by the said DLC, Majuli, the DEEO, Majuli shall intimate the petitioner about the outcome of said decision.

Petitioner shall submit a certified copy of this order before the DEEO, Majuli as well as the Deputy Inspector of Schools, Majuli, Kamalabari forthwith obtaining necessary acknowledgment from the said authorities in that regard.

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

JUDGE

Comparing Assistant