

GAHC010054792023



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

Case No. : WP(C)/1923/2023

KARUNA PATAR
S/O- LATE DEBA PATOR, R/O- VILL- 1 NO. KAKI 1 NO. GAON, P.O. AND P.S.
KAKI, DIST.- HOJAI, PIN- 782442, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION
DEPTT. (SECONDARY), ASSAM, DISPUR, GHY-6

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE INSPECTOR OF SCHOOLS
NAGAON DISTRICT CIRCLE
NAGAON
ASSAM

4:THE DISTRICT LEVEL COMMITTEE
FOR APPOINTMENT ON COMPASSIONATE GROUND REP. BY THE DEPUTY
COMMISSIONER-CUM-CHAIRPERSON
NAGAON
DIST.- NAGAON
ASSA

Advocate for the Petitioner : MS. N GOGOI

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

28-04-2023

Heard Ms. N. Gogoi, learned counsel for the petitioner and Mr. S.M.T.Chistie, learned Standing counsel, Department of School Education, Assam for the respondent Nos. 1 to 3. Also heard Mr. P. Saikia, learned Government Advocate, Assam for the respondent No. 4.

2. Father of the petitioner, namely, Deba Pator, a Grade-IV employee in Kaki High School, District-Nagaon, died-in-harness on 02.11.2013.

3. The petitioner on 12.06.2014 submitted an application for his compassionate appointment under the die-in-harness scheme of the State on the death of his father.

4. It is contended by the petitioner that till date, his case has not been considered by the District Level Committee (DLC) for compassionate appointment, District-Nagaon.

5. Hence, this writ petition preferred by the petitioner.

6. By placing the written instructions dated 28.04.2023 of the Inspector of Schools, Nagaon District Circle, Nagaon, respondent No. 3, Mr. Chistie, learned Standing counsel, Department of School Education, Assam apprised the Court that the case of the petitioner for his compassionate appointment under the die-in-harness scheme of the State on the death of his father, Deba Pator, was placed before the DLC, Nagaon in its meeting held on 09.01.2015 but the case of the petitioner could not be recommended because of want of vacancy.

7. Clause 15 of the Office Memorandum No. ABP 50/2006/Pt/182 dated 01.06.2015 issued by the Personnel (B) Department of the State of Assam regarding compassionate appointment applicable to the case of the petitioner provides that –

”If sufficient vacancies are not available in any particular office to accommodate the persons in the waiting list for compassionate appointment, it is open to the administrative Department/Office to take up the matter with other Departments/Offices of the Government to provide at an early

appointment on compassionate grounds to those waiting list."

8. After hearing the learned counsels for the parties and considering the entire aspect of the matter including the communication dated 28.04.2023 of the Inspector of Schools, Nagaon District Circle, Nagaon, this writ petition is disposed of at the motion stage itself directing the petitioner to submit a certified copy of this order before the Inspector of Schools, Nagaon District Circle, Nagaon who is the Member Secretary of the DLC, Nagaon for Secondary Education forthwith obtaining necessary acknowledgment from him in that regard.

9. Since the DLC, Nagaon earlier on 09.01.2015 could not consider the case of the petitioner for recommendation his name for appointment on compassionate ground due to want of vacancy and if in the meanwhile, the said DLC, Nagaon has not reconsidered the case of the petitioner for his compassionate appointment then the case of the petitioner shall be placed before the next meeting of the said DLC, Nagaon, who shall consider the case of the petitioner in accordance with the provisions specified in the Office Memorandum dated 01.06.2015, noted above, as well as the law laid down by this Court in the cases of *Achyut Ranjan Das Vs. State of Assam* reported in 2006 (4) GLT 674 as well as *Faziron Nessa & others Vs. State of Assam* reported in 2010 (4) GLT 340 and following the provisions of Clause 15 of the said Office Memorandum dated 01.06.2015, noted above.

10. In the event, the DLC for compassionate appointment, Nagaon while considering the case of the petitioner, if does not find any such vacant post under the category of 5% vacancy for compassionate appointment, the said DLC, Nagaon shall do the needful in terms of the Office Memorandum dated 01.06.2015, noted above, intimating about the outcome of their decision to the petitioner.

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

JUDGE

Comparing Assistant