

GAHC010058672022



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

Case No. : WP(C)/2137/2022

BURHAN ALOM LASKAR
S/O- LATE FAIZUR RAHMAN LASKAR, R/O- VILL. RAMPUR, P.O.
KARICHERRA BAZAR, P.S. KATLICHERRA, DIST. HAILAKANDI, ASSAM,
PIN- 788165.

VERSUS

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

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

3:THE STATE LEVEL COMMITTEE (SLC) FOR COMPASSIONATE
APPOINTMENT
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GHY-06.

4:THE DIST. LEVEL COMMITTEE (DLC)
HAILAKANDI FOR COMPASSIONATE APPOINTMENT
REP. BY THE DY. COMMISSIONER
HAILAKANDI
DIST. HAILAKANDI
ASSAM
PIN- 788151.

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
HAILAKANDI

DIST. HAILAKANDI
ASSAM
PIN- 788151

Advocate for the Petitioner : MR. S B LASKAR

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

07.06.2023

Heard Shri SB Laskar, learned counsel for the petitioner. Also heard Shri G Pegu, learned State Counsel, Assam as well as Shri P Bora, learned Standing Counsel, Elementary Education Department, Assam.

- 2.** Considering the facts and circumstances of the case and the issue involved, this writ petition is taken up for disposal at the admission stage.
- 3.** It may, however, be mentioned that the respondent no.2 has filed an affidavit and the learned State Counsel has also produced certain written instructions.
- 4.** The facts projected is that the father of the petitioner, namely, Faizur Rahman Laskar died-in-harness on 03.01.2007 while working as an Assistant Teacher of Durgapur LP School under Katlicherra Education Block in the district of Hailakandi.
- 5.** It is submitted on behalf of the petitioner that he had applied for appointment on compassionate ground on 15.01.2007. The case of the petitioner, however, was rejected by the District Level Committee (DLC) in the meeting dated 05.10.2021 with the observation that the petitioner was under qualified as he had secured 36% of

marks in the Higher Secondary examination against the requirement of 50%.

6. Shri Laskar, learned counsel for the petitioner has submitted that the petitioner had appeared in a betterment examination wherein, his marks had improved to 55.8% and this fact was not taken into consideration. The learned counsel has drawn the attention of this Court to the relevant marksheet.

7. Shri Bora, learned State Counsel as well as Shri Pegu, learned Standing Counsel has submitted in tandem that the rejection of the case of the petitioner has been done on relevant consideration and in any case, the death being in the year 2007, there would not be any requirement for consideration of the case of the petitioner after about 16 years.

8. This Court has considered the rival submissions.

9. The case of the petitioner has been structured that the marks obtained in the betterment examination have not been considered which, according to him, meet the eligibility criteria. However, a close scrutiny of the impugned order would reveal that the application, which was taken up for consideration, was filed on 01.07.2018 whereas the betterment examination is of the year 2019.

10. Therefore, it appears that the entire projection made by the petitioner and the grounds of challenge that betterment marks ought to have been considered are without any basis. This Court is further of the opinion that after 16 years, consideration of a case for appointment on compassionate ground may not be in consonance with the objective and purpose of the Scheme which is to provide immediate succor to a family which has lost its only earning member who was a Government servant.

11. In view of the above, the writ petition stands dismissed.

JUDGE

Comparing Assistant