

GAHC010072432022



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

Case No. : WP(C)/4562/2022

RINKU KEOT
S/O LATE CHHOTALAL KEOT,
RESIDENT OF VILLAGE- SIJUBARI, P.O.- GELAPUKHURI,
P.S.- GINGIA, DIST.- BISWANATH, ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
RELIEF AND REHABILITATION DEPARTMENT, DISPUR, GUWAHATI-6.

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

3:DISTRICT ELEMENTARY EDUCATION OFFICER
TEZPUR
SONITPUR
P.O.- TEZPUR

DIST.- SONITPUR
ASSAM
PIN-784001.

4:THE DEPUTY COMMISSIONER
BISWANATH
P.O.- BISWANATH CHARIALI
DIST.- BISWANATH
ASSAM.
PIN- 784167.

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
BEHALI EDUCATION BLOCK
P.O.- BORGANG
DIST.- BISWANATH
ASSAM
PIN- 784167.

6:THE DISTRICT LEVEL SELECTION COMMITTEE
BISWANATH
P.O.- BISWANATH CHARIALI
DIST.- BISWANATH
ASSAM
PIN- 784176

Advocate for the Petitioner : MR. S UPADHAY

Advocate for the Respondent : GA, ASSAM

BEFORE

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

24.07.2023

O R D E R

Heard Mr. S. Upadhyay, learned counsel for the petitioner. Also heard Mr. A. Phookan, learned Standing Counsel, Elementary Education Department, Government of Assam, for respondent Nos.2, 3 and 5 as well as Mr. S.R. Baruah, learned Government Advocate, Assam for respondent No.1, 4 and 6.

2. The petitioner's father while serving as an Assistant Teacher in Birsa Smriti LP School under the Block Elementary Education Officer, Bihali Elementary Education Block was killed by extremists on 04.10.2004. Thereafter, the petitioner, after attaining majority, applied for appointment on compassionate ground on 17.09.2017. The concerned DLC in its meeting held on 19.07.2018, rejected the claim of the petitioner on the ground that the petitioner's father died on 03.10.2004, which is after the cut-off date, i.e., 22.06.2004 as per the policy framed by the State Government to grant appointment to victims of

extremist. Being aggrieved, the petitioner approached this Court by filing WP(C) No.8211/2018 which was disposed of by order dated 07.02.2022 with the following directions:-

“4. Though the aforesaid scheme may be a special scheme for the victims of extremists, if the petitioner is otherwise eligible for appointment under the normal scheme for appointment under die-in-harness, the petitioner may apply before the appropriate authority, which shall be sympathetically considered by the authority taking into consideration that his father was a victim of terrorism and his case could not be considered under the special scheme merely because his father was killed a few months after the cut off date said under the special scheme.

5. Mr. Deuri, learned Government Advocate on written instruction has submitted that the application of the petitioner for appointment on compassionate ground has been already referred to the Elementary Education Department by the Office of the Deputy Commissioner, Biswanath, vide letter dated 01.02.2018 along with the relevant documents.

6. In that view of the matter, it is directed that respondent authorities will consider sympathetically the application of the petitioner for appointment on compassionate ground as a son of a victim of terrorism and also keeping into consideration that the petitioner's father was serving as an Assistant Teacher of a Government school, who was killed mercilessly by the extremists.”

3. The case of the petitioner was again considered by the concerned DLC on 20.08.2021. However, his case was not recommended on the ground that father of the petitioner died on 03.10.2004, which is after the cut-off date 02.06.2004 in terms of the APS Rules, 1992.

4. Being aggrieved, the petitioner has approached this Court by way of the present writ petition.

5. A perusal of the directions passed in WP(C) No.8211/2018 clearly indicates that if the case of the petitioner cannot be considered under the policy framed by the State Government to grant appointment to the claims of extremists, his case can be considered for appointment under the normal scheme for appointment under compassionate ground. A further direction was also issued to the respondents to consider sympathetically the application of the petitioner

for appointment on compassionate ground as the son of a victim of terrorism and also keeping in mind that the petitioner's father was serving as an Assistant Teacher of a Government School who was killed mercilessly by the extremists.

6. A perusal of the minutes of the meeting of the DLC, Biswanath district dated 20.08.2021 would indicate that rejection of the case of the petitioner was not in terms of the order dated 07.02.2020 passed in WP(C) No.8211/2018 inasmuch as rejection was on the same ground as that of the earlier DLC meeting held on 19.07.2018.

7. In that view of the matter, the matter is remanded to the DLC, Biswanath district for reconsideration of the case of the petitioner in the normal scheme for compassionate appointment by considering his case sympathetically and also keeping in mind that the father of the petitioner was killed by extremists while serving as Assistant Teacher of a Government School in its next immediate sitting.

8. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant