

GAHC010074252023



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

Case No. : WP(C)/1957/2023

BHASKAR JYOTI BORUAH
S/O LATE TARUN BORUAH, R/O VILL-KHUTIKATIA, P.O.-HOWAJAN, P.S.-
GOHPUR, DIST-SONITPUR, ASSAM, PIN-784169

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION (ELEMENTARY) DEPARTMENT, DISPUR,
GUWAHATI-781006

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

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
SONITPUR TEZPUR
DIST-SONITPUR
ASSAM
PIN-784001

4:THE DEPUTY INSPECTOR OF SCHOOLS
SONITPUR TEZPUR
DIST-SONITPUR
ASSAM
PIN-784001

5:THE DEPUTY INSPECTOR OF SCHOOLS
CHAIDUAR DIST-SONITPUR
ASSAM
PIN-784168

6:THE DEPUTY COMMISSIONER
SONITPUR TEZPUR

DIST-SONITPUR
ASSAM
PIN-784001

7:THE DISTRICT LEVEL COMMITTEE FOR APPOINTMENT ON
COMPASSIONATE GROUND
SONITPUR DISTRICT
REPRESENTED BY ITS CHAIRMAN
I.E. THE DEPUTY COMMISSIONER
SONITPUR TEZPUR
DIST-SONITPUR
ASSAM
PIN-78400

Advocate for the Petitioner : MR. R SARMA

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

05-04-2023

Heard Mr. R. Sarma, learned counsel for the petitioner and Mr. B. Kaushik, learned Standing Counsel, Department of School (Elementary) Education for the respondent Nos. 1 to 5. Also heard Mr. G. Bokolial, learned Government Advocate, Assam for the respondent Nos. 6 and 7.

It is stated that the father of the petitioner, Tarun Boruah, Headmaster of Bhaskarjyoti Lower Primary School under Chaiduar Education Block of District - Sonitpur died in harness on 17.08.2008, leaving behind the mother of the petitioner, i.e., widow of the deceased and a son, i.e., the petitioner himself.

The petitioner passed his Class-X HSLC Examination, 2009 under the Board of Secondary Education, Assam as well as Class-XII (10+2) Higher Secondary Examination in Arts under Assam Higher Secondary Education Council in the year 2011.

Petitioner stated that he belongs to Other Backward Class Community and that on 07.11.2012 he submitted an application before the District Elementary Education Officer (DEEO), Sonitpur, Tezpur for his compassionate appointment under the die-in-harness Scheme as a Teacher.

The petitioner also stated that on attaining the age of majority, he submitted the said application for his compassionate appointment on 07.11.2012 before the DEEO, Sonitpur, Tezpur, which is yet to be considered by the District Level Committee for compassionate appointment, District - Sonitpur.

From his HSLC Examination passed Certificate, 2009 issued by the SEBA, annexed to this writ petition, it is seen that the date of birth of the petitioner is 10.08.1993 and as such, he attained the age of majority of 18 years on 10.08.2011. Further, he submitted his application for compassionate appointment before the DEEO, Sonitpur on 07.11.2012, which according to the petitioner is yet to be considered by the DLC for compassionate appointment, District - Sonitpur.

On being enquired, the petitioner submitted that his mother is receiving family pension.

Considering the above, this writ petition is disposed of at the motion stage itself, directing the petitioner to submit the certified copy of this order along with a copy of the writ petition including the Annexures appended thereto before the District Elementary Education Officer, Sonitpur, Tezpur for consideration of his case for appointment on compassionate ground under the die-in-harness Scheme of the State forthwith, obtaining necessary acknowledgement from the said authority in that regard.

In the event of submitting the above by the petitioner before the District Elementary Education Officer, Sonitpur, Tezpur, respondent No.3, the said authority after obtaining necessary information from the Deputy Inspector of Schools, Sonitpur, Tezpur as well as the Block Elementary Education Officer, Chaiduar shall place the case

of the petitioner before the District Level Committee for compassionate appointment, Sonitpur in its next meeting for necessary consideration, if not placed earlier.

The DLC for compassionate appointment headed by its Chairman-cum-Deputy Commissioner, Sonitpur, Tezpur along with the other members of the said DLC shall consider the case of the petitioner for his compassionate appointment in accordance with law, the provisions of the Office Memorandum dated 01.06.2015 of the State Government in the Personnel (B) Department pertaining to 'Die-in-Harness' Scheme and by following the principles of law laid down by this Hon'ble Court in the case 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, intimating the petitioner about the outcome of his application for his compassionate appointment.

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

JUDGE

Comparing Assistant