

GAHC010123282022



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

Case No. : WP(C)/4493/2022

PALLAB SAIKIA
S/O. BINANDA CHANDRA SAIKIA, R/O. BETBARI, P.O. BHULBARI
BOKANADI, P.S. LALUK, DIST. LAKHIMPUR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
THROUGH THE COMMISSIONER AND SECY., TO THE GOVT. OF ASSAM,
EDUCATION (SECONDARY) DEPTT. GOVT. OF ASSAM, DISPUR,
GUWAHATI-781006.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019.

3:THE INSPECTOR OF SCHOOLS
LAKHIMPUR DISTRICT CIRCLE
NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSAM.

4:THE DIST. LEVEL COMMITTEE FOR APPOINTMENT ON COMPASSIONATE
GROUND
REP. BY ITS CHAIRMAN
DEPUTY COMMISSIONER
LAKHIMPUR
DIST. LAKHIMPUR
ASSAM

Advocate for the Petitioner : MS. S KANUNGOE

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

24.07.2023

O R D E R

Heard Ms. S. Kanungoe, learned counsel for the petitioner. Also heard Mr. B. Kaushik, learned Standing Counsel, Secondary Education Department, Government of Assam, for respondent Nos.1 and 2 as well as Mr. S.R. Baruah, learned Government Advocate, Assam for respondent No.4.

2. The father of the petitioner, late Binanda Chandra Saikia, while serving as an Assistant Teacher in Phulbari High School, Phulbari, Bokanadi in the district of Lakhimpur, Assam died in harness on 03.11.2011. The petitioner, thereafter, made an application for appointment on compassionate ground on 02.01.2012. As his case was not placed before the concerned District Level Committee (DLC) for consideration, the petitioner approached this Court by filing WP(C) No.1106/2014, which was disposed of by order dated 03.03.2014 directing the respondents to place the application of the petitioner and thereafter take a decision in the matter. The case of the petitioner was, thereafter, placed before the DLC, Lakhimpur district on 21.04.2012. However, his case could not be considered due to lack of vacancy. The petitioner's case was again placed before the concerned DLC on 16.03.2013. However, his case was not recommended without giving any reasons.

The petitioner's case was again considered by the concerned DLC in its meeting held on 18.12.2013. However, his case was again not recommended without giving any reasons. The concerned DLC again considered the case of the petitioner in its meeting held on 25.07.2014. In the said meeting also, the case of the petitioner was again not considered without giving any reasons.

Lastly, the concerned DLC, in its meeting held on 30.04.2022, considered the case of the petitioner and rejected his case on the ground that it had spent its force.

3. A consideration of the DLC minutes held on 21.04.2012, 16.03.2013, 18.12.2013 and 25.07.2014 would indicate that the case of the petitioner was not considered on 21.04.2012 due to lack of vacancy and thereafter the three other meetings of the DLC, i.e., 16.03.2013, 18.12.2013 and 25.07.2014, his case was rejected without giving any reasons. Lastly, in its minutes dated 30.04.2022, the concerned DLC rejected the case of the petitioner on the ground that it had spent its force.

4. What transpires from a perusal of the minutes of the DLC meetings is that no appropriate reasons were given for rejection of the case of the petitioner and the last DLC rejected the case of the petitioner on the ground that it had spent its force. If there was any delay, the same cannot be attributed to the petitioner as the delay was caused by the respondents.

5. In that view of the matter, the matter is remanded to the concerned DLC for reconsideration of the case of the petitioner in accordance with law in its next immediate sitting. While considering the case of the petitioner, the DLC shall take into consideration Clause 15 of the Office Memorandum dated 01.06.2022.

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

JUDGE

Comparing Assistant