

GAHC010123932023



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

Case No. : WP(C)/3329/2023

BIRAJ KALITA
S/O- HARISH CHANDRA KALITA,
R/O- DUBAPARA VILLAGE,
P.O- DUBAPARA,
P.S- MORNOI, DIST- GOALPARA, ASSAM, PIN-783101

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE COMMISSIONER AND SECRETARY , GOVERNMENT OF
ASSAM, ELEMENTARY EDUCATION DEPARTMENT , DISPUR, GUWAHATI-
06

2:THE STATE LEVEL COMMITTEE
REP. BY THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-0

Advocate for the Petitioner : MR B BORA

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

12.06.2023

O R D E R

Heard Mr. B. Bora, learned counsel for the petitioner.

2. Ms. A. Das, learned Standing Counsel, Elementary Education Department, Government of Assam, appears for respondent No.1 whereas Mr. P. Saikia,

learned Government Advocate, Assam appears for respondent No.2.

3. The father of the petitioner, late Harish Chandra Kalita, while serving as Headmaster of Matia M.E. School, died in harness on 11.03.2013. To tide over the hardship after the death of his father, the petitioner made an application praying for appointment on compassionate ground on 05.04.2013. The District Level Committee, Goalpara in its meeting held on 30.01.2014 recommended the case of the petitioner for appointment on compassionate ground to the post of Assistant Teacher against the vacancy of 2013. The State Level Committee in its meeting, held on 16.06.2016, rejected the case of the petitioner on the ground of lack of vacancy.

4. Being aggrieved, the petitioner approached this Court by filing WP(C) No.6369/2016, which was disposed of by order dated 02.02.2017. The operative portion of the said order is reproduced herein-below:-

“That apart, nothing is discernible from the minutes of the State Level Committee (SLC) meeting as to how and on what basis recommendation of the 4 (four) candidates were accepted and that of the petitioner not accepted. In such circumstances, the Court is of the view that the case of the petitioner is required to be re-considered by the SLC.

Accordingly, impugned decision of the SLC dated 16.06.2016 in respect of the petitioner is set aside. Commissioner and Secretary to the Government of Assam, Elementary Education Department is directed to place the case of the petitioner again before the State Level Committee within a period of 30 days from the date of receipt of a certified copy of this order where-after SLC shall reconsider the case of the petitioner on its own merit in its next meeting. Whatever be the outcome of the deliberation, the same shall be communicated to the petitioner. This disposes of the writ petition.”

5. The petitioner is before this Court by way of the present writ petition on the ground that the State Level Committee is yet to communicate the outcome of the case of the petitioner despite directions being given by this Court to communicate the decision of the SLC to the petitioner.

6. Considering the limited prayer, this writ petition is disposed of directing the State Level Committee to forthwith communicate the outcome of the decision of the SLC with regard to the case of the petitioner. If the case of the petitioner has not been considered by the State Level Committee, his case shall be considered in the next meeting of the State Level Committee and, thereafter, outcome be communicated to the petitioner forthwith.

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

JUDGE

Comparing Assistant