

GAHC010134852023



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

Case No. : WP(C)/3592/2023

JOGA BORUAH BORAH
W/O- LATE DILIP BORAH,
R/O VILLAGE- BHABANIPUR, WARD NO. 3,
P.O./P.S.- DERGAON,
DISTRICT- GOLAGHAT, ASSAM,
PIN- 785614.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE CHIEF SECRETARY, GOVT. OF ASSAM,
DISPUR, GUWAHATI-06.

2:THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-06
KAMRUP(M)
ASSAM.

3:THE DIRECTOR
SECONDARY EDUCATION DEPARTMENT
KAHILIPARA
GOVT. OF ASSAM
GUWAHATI-19
KAMRUP(M)
ASSAM.

4:THE INSPECTOR OF SCHOOLS
JORHAT DISTRICT CIRCLE
JORHAT.

5:THE CHAIRMAN
DISTRICT LEVEL COMMITTEE (DLC)
REPRESENTED BY DEPUTY COMMISSIONER
JORHAT.

6:THE DEPUTY COMMISSIONER
DISTRICT JORHAT, PIN- 785001.

7:THE CHAIRMAN
STATE LEVEL COMMITTEE (SLC)
DISPUR, GUWAHATI-06, ASSAM

Advocate for the Petitioner : MR. M K DAS
Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

22-06-2023

Heard Mr. U.B. Bora, learned counsel for the petitioner. Also heard Mr. S.M.T. Chistie, learned standing counsel, Secondary Education Department, representing the respondent Nos. 1, 2, 5, 6 and 7 and Mr. G. Pegu, learned Government Advocate, representing the respondent Nos. 3 and 4.

The husband of the petitioner, while serving as Assistant Teacher in Shewlal Bayanwala High School, Majuli, Jorhat, died-in-harness on 03-04-2013 leaving behind the petitioner and their five years' old minor daughter. Thereafter, the petitioner made an application, on 05-06-2013, praying for appointment on compassionate ground. The District Level Committee (DLC), Jorhat, in its meeting dated 25-11-2013, considered and recommended her case for appointment as Assistant Teacher (Grade-III) for the year 2013. The petitioner received no information as to whether the State Level Committee (SLC) considered the case of the petitioner. Accordingly, she was again advised to make a fresh application. The petitioner made her second application for appointment on compassionate ground, which was again placed before the DLC, Jorhat and the DLC, Jorhat, in its meeting held on 21-01-2022, made an

observation that the case of the petitioner was earlier considered for Assistant Teacher for the year 2013 on the basis of availability of vacancy at the time by the DLC held on 11-09-2013, and the Inspector of School, Jorhat, was directed to examine the case and take necessary steps accordingly. It was further observed that as the case of the petitioner already recommended by the DLC held on 11-09-2013, hence, her case cannot be recommended again.

As no further steps were taken despite the recommendation made by the DLC concerned, the petitioner made an application on 02-09-2022 before the Deputy Commissioner, Jorhat District requesting for minutes of the meeting of File No. IS JDC Prag Comp 12/13-13176/18/12/13 in connection with the appointment on compassionate ground for the year 2013.

The Inspector of Schools, JDC, Jorhat, also wrote to the Director of Secondary Education, Assam, by communication dated 12-09-2022 stating that the petitioner had been recommended by the DLC in its meeting held on 25-11-2013 for appointment on compassionate ground as Assistant Teacher. Subsequently, the petitioner made another application and her case was considered and placed before the DLC meeting held on 21-01-2022. In the said meeting, the Inspector of Schools was directed to take necessary action as the name of the petitioner was recommended in the first meeting held on 25-11-2013. Thereafter, the petitioner again made an application to the Director of Secondary Education, Assam, on 16-09-2022, requesting for the SLC minutes of the meeting which was held on 25-11-2013 for appointment on compassionate ground.

Thereafter, the Under Secretary to the Government of Assam, Department of School Education, by communication dated 23-11-2022, wrote to the Inspector of Schools, Jorhat, stating that the case of the petitioner was placed at the

meeting of the SLC held on 26-08-2014 and the SLC rejected her case due to the required minimum percentage of marks in the degree level for Assistant Teacher post.

It is the case of the petitioner that as her case was already recommended by the DLC in its meeting held on 25-11-2013, the SLC should have considered her case and if the petitioner was found to be lacking any minimum percentage of marks for the post of Assistant Teacher, she could have been adjusted to any other post commensurate to her educational qualification.

After hearing the learned counsel for the parties, this Court is of the considered opinion that the SLC, in its meeting held on 26-08-2014 could have considered the case of the petitioner to any other Grade-III or Grade-IV post if the petitioner was found to be lacking the required minimum percentage of marks for the post of Assistant Teacher.

In that view of the matter, the matter is remanded to the SLC to re-consider the case of the petitioner to any other Grade-III or Grade-IV post commensurate to her educational qualification and, thereafter, make appropriate recommendation in accordance with law, in its next immediate sitting.

With the above observations and directions this writ petition stands disposed of.

JUDGE

Comparing Assistant