

GAHC010142262023



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

Case No. : WP(C)/3792/2023

BAHARUL ISLAM CHOUDHURY
S/O- LATE SIRAJ UDDIN CHOUDHURY, VILLAGE- RONGPUR PT-I, P.O.
APIN, P.S. LALA, DIST.- HAILAKANDI

VERSUS

THE STATE OF ASSAM AND 5 ORS
TO BE REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM,
ELEMENTARY EDUCATION DEPTT., DISPUR, GHY-6

2:THE STATE LEVEL COMMITTEE
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GHY-6

3:THE DIRECTOR OF ELEMENTARY EDUCATION DEPTT.
ASSAM
KAHILIPARA
GHY-19

4:THE DISTRICT LEVEL COMMITTEE
HAILAKANDI (FOR COMPASSIONATE APPOINTMENT) REP. BY ITS
CHAIRMAN/DEPUTY COMMISSIONER
HAILAKANDI
P.O. P.S. AND DIST.- HAILAKANDI
ASSAM- 788152

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
HAILAKANDI
P.O.
P.S. AND DIST.- HAILAKANDI
ASSAM- 788152

6:THE DEPUTY INSPECTOR OF SCHOOLS
HAILAKANDI
P.O.
P.S. AND DIST.- HAILAKANDI
ASSAM- 78815

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 28.06.2023

Heard Mr. A.M.Barbhuiya, learned counsel for the petitioner. Also heard Mr. G.Pegu, learned standing counsel, Elementary Education for the respondent Nos. 1, 3, 5 and 6 and Mr. P.Saikia, learned Govt. Advocate for the respondent Nos. 2 and 4.

2. The father of the petitioner Late Siraj Uddin Choudhury while serving as Head Master at Rongpur Boalipur M.E. School in the district of Hailakandi, died-in-harness on 20.10.2016. As the petitioner was qualified, he made an application for appointment on compassionate grounds on 29.12.2016 in the prescribed format along with all necessary documents. However, as the case of the petitioner was not considered by the DLC, the petitioner approached this Court by filing WP(C)/5236/2019, which was disposed of by order dated 26.07.2019, directing the respondent authorities to place the matter before the appropriate authority for further consideration within a period of 1(one) month from the date of receipt of a copy of the said order.

3. Thereafter, the District Level Committee, Hailakandi in its meeting held on 05.10.2021, rejected the case of the petitioner on the ground that Next of Kin Certificate was not submitted in the application.

4. It is the case of the petitioner that he had obtained his Next of Kin Certificate on 22.12.2016 and had submitted the same while making his application for appointment on compassionate grounds.

5. The learned counsel for the petitioner placing reliance on the order dated 17.01.2022 passed in WP(C)/217/2022, submits that the case of the petitioner may be remanded to the concerned DLC for reconsideration.

6. In the order dated 17.01.2022, passed by this Court in WP(C)/217/2022, this Court had made an observation that the law of compassionate appointment is not a regular recruitment and the authorities are required to look into the issue with some compassion as it is a claim for compassionate appointment and the only requirement of law is to see an inter-se comparison of the financial status of the respective applicants so that the worse off the candidates is offered the appointment.

7. After hearing the learned counsel for the parties, this Court is of the considered opinion that the ratio laid down in the order dated 17.01.2022, passed by this Court in WP(C)/217/2022 can be applied in the present case inasmuch as the DLC which held its meeting on 05.10.2021, rejected the case of

the petitioner only on the ground that the Next of Kin Certificate has not been submitted.

8. Accordingly, the petitioner is directed to submit the Next of Kin Certificate in original to the concerned authority and thereafter the case of the petitioner shall be placed in the next immediate sitting of the concerned DLC for reconsideration of his case for appointment on compassionate grounds in accordance with law.

9. With the aforesaid observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant