

GAHC010145392020



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

**Case No. : WP(C)/4470/2020**

AFIA BEGUM MAZARBHUIYA  
W/O- LT. POSAND ALI MAZARBHUIYA, VILL.- BOALIPAR PART- II, P.O.-  
BOALIPAR BAZAR, DIST.- HAILAKANDI, ASSAM, PIN- 788155.

VERSUS

THE STATE OF ASSAM AND 4 ORS  
TO BE REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,  
HEALTH AND FAMILY WELFARE (A) DEPTT., DISPUR, GHY- 6.

2:THE DIRECTOR  
HEALTH SERVICE  
ASSAM  
HENGRAHARI  
GUWAHATI.

3:THE JOINT DIRECTOR OF HEALTH SERVICES  
HAILAKANDI  
P.O. AND DIST.- HAILAKANDI  
PIN- 788155.

4:STATE LEVEL COMMITTEE FOR APPOINTMENT ON COMPASSIONATE  
GROUND  
REP. BY ITS CHAIRMAN I.E.  
COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM  
HEALTH AND FAMILY WELFARE (A) DEPTT.  
DISPUR  
GHY- 6.

5:THE DIST. LEVEL SELECTION COMMITTEE FOR APPOINTMENT ON  
COMPASSIONATE GROUND  
HAILAKANDI  
REP. BY ITS CHAIRMAN  
EX-OFFICIO

DY. COMMISSIONER  
DIST.- HAILAKANDI  
ASSAM  
PIN- 788155

**Advocate for the Petitioner** : DR. B AHMED

**Advocate for the Respondent** : SC, HEALTH

**BEFORE  
HON'BLE MR. JUSTICE SOUMITRA SAIKIA**

O R D E R

23.08.2023.

Heard Mr. K. Uddin, learned counsel for the petitioner. Also heard Mr. C.K. Sarma Baruah, learned Govt. Advocate appearing for the respondent Nos.4 & 5 and Mr. D. Upamanyu, learned Standing Counsel, Health Department for the respondent Nos.1—3.

2. This writ petition has been filed by the petitioner praying for compassionate appointment in view of the death of her husband late Posand Ali Mazarbhuiya on 04.12.2014, while he was working as a Grade-IV employee in the office of the Joint Director of Health Services, Hailakandi, leaving behind the petitioner and three children. The petitioner, thereafter filed an application seeking compassionate appointment, before the competent authority.

3. The petitioner filed her application for compassionate appointment on 03.03.2015 and her application was placed before the District Level Committee (DLC), Hailakandi and by its meeting held on 20.03.2018, the DLC, Hailakandi recommended the name of the petitioner for appointment on compassionate

ground, as a Grade-IV employee. Thereafter, no information has been received by the petitioner as to whether the State Level Committee (SLC) had considered the case of the petitioner, in view of the recommendation made by the DLC. In spite of several representations filed, no such information has been received by the petitioner. Being aggrieved, the present writ petition has been filed.

4. Mr. C.K. Sarma Baruah, learned Govt. Advocate and Mr. D. Upamanyu, learned Standing Counsel, Health Department for the respondents jointly submits that they are yet to receive their instructions.

5. Having heard the learned counsel for the petitioner and upon perusal of the pleadings on record, it is seen that the representation filed by the petitioner is stated to be still pending before the competent authority.

6. In that view of the matter, this Court consider it appropriate to dispose of the Writ Petition at this stage directing the respondent authorities, particularly the respondent No.1 i.e. Commissioner & Secretary, Govt. of Assam, Health and Family Welfare (A) Department, to place the proposal recommended by the DLC, Hailakandi in favour of the petitioner for appointment on compassionate ground, before the next SLC. The SLC thereafter shall consider the matter and pass appropriate orders in the proposal. Any such order, that is passed, copy thereof shall be served on the petitioner.

7. The matter be placed before the SLC within 60 (sixty) days from the date of receipt of the certified copy of this order. The SLC will thereafter consider the matter and pass an appropriate order, if no order in the meantime had already been passed.

8. If any order, in the meantime had already been passed, copy thereof be furnished to the petitioner.

9. The writ petition stands disposed of in terms of the above direction. No order as to cost.

JUDGE

**Comparing Assistant**