

GAHC010145812023



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

**Case No. : WP(C)/4011/2023**

BISWADEEP DIHINGIA  
S/O LATE SADANANDA DIHINGIA, R/O KHAMON KONWAR GAON, P.O.-  
DHAKUAKHANA, DIST- LAKHIMPUR, ASSAM, PIN-787055

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY, GOVERNMENT  
OF ASSAM, EDUCATION (ELEMENTARY) DEPARTMENT, DISPUR,  
GUWAHATI-781006

2:THE CHIEF SECRETARY -CUM- CHAIRMAN  
STATE LEVEL COMMITTEE  
GOVERNMENT OF ASSAM  
DISPUR  
GUWAHATI-781006

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER  
LAKHIMPUR  
DIST-LAKHIMPUR  
ASSAM  
PIN-787001

4:THE DEPUTY COMMISSIONER -CUM- CHAIRMAN  
DISTRICT LEVEL COMMITTEE  
LAKHIMPUR DISTRICT  
ASSAM  
PIN-78700

**Advocate for the Petitioner : MR A KHANIKAR**

**Advocate for the Respondent : SC, ELEM. EDU**

**BEFORE**  
**HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR**

**ORDER**

**21.07.2023**

Heard Mr. A. Khanikar, learned counsel for the petitioner. Also heard Mr. A. Phukan, learned standing counsel, Education (Elementary) Department, appearing for respondent Nos.1 and 3 and Mr. S.R. Baruah, learned Government Advocate, appearing for respondent Nos.2 and 4.

2. The father of the petitioner Late Sadananda Dihingia while serving as an Assistant Teacher in 477 No. Alimur Dangdhara L.P. School, Dhakuakhana in the district of Lakhimpur, Assam, died in harness on 05.02.2014. Thereafter, the petitioner made an application for appointment on compassionate ground on 12.03.2014.

3. As there was no information with regard to the status of his application for appointment on compassionate ground for a very long period, the petitioner made a RTI application on 29.09.2022. Thereafter, in reply the petitioner was informed that his case was placed before the DLC in its meetings held on 25.07.2014, 24.07.2015 and 24.02.2017. It was further informed that in the DLC meeting dated 24.02.2017 it was decided that the proposal has spent its force as per Government letter dated 20.12.2012. The petitioner was further informed that as per records available in the office of the Additional Deputy Commissioner, Lakhimpur, only the names of recommended candidates were recorded in the minutes and the list of rejected candidates were not recorded in the minutes at that period of time. Based upon office records available, the reject list of the DLC meeting held on 24.07.2015 was prepared post facto during the year 2021 and the name of the petitioner is enlisted at Sl.No.1 and the ground for rejection was stated as due to insufficient 5% reserve quota.

4. It is the case of the petitioner that despite the DLC considering his case on three

occasions i.e. 25.07.2014, 24.07.2015 and 24.02.2017, no information was furnished to the petitioner and the same has been done in violation of Clause 24(d) of the Office Memorandum dated 01.06.2015 issued by the Additional Chief Secretary to the Government of Assam, Department of Personnel, Personnel B.

5. A perusal of the RTI reply dated 07.11.2022 written by the Additional Deputy Commissioner, Lakhimpur, clearly indicates that only the names of the recommended candidates were recorded and the list of rejected candidates were not recorded during the said period of time. Further, the reject list was collected from the records of the office and was prepared post facto during the year 2021. A further perusal of the O.M. Dated 01.06.2015 would also indicate that under Clause 24(d), it is provided that while disposing of applications by way of rejection, clear speaking order should be recorded stating the reasons of rejection and a copy of such order shall be furnished to the applicant(s). This has not been done in the present case and is in clear violation of Clause 24(d) of the O.M. Dated 01.06.2015.

6. In that view of the matter, the matter is remanded back to the concerned DLC to reconsider the case of the petitioner in accordance with law in its next meeting. Thereafter, the outcome of the consideration of the case of the petitioner shall be communicated to the petitioner forthwith.

7. With the above observation and direction, the present writ petition stands disposed of.

**Sd/- *Lanusungkum Jamir***  
**JUDGE**

**Comparing Assistant**