

GAHC010167332022



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

Case No. : WP(C)/5481/2022

RIMLI SIVAM
D/O- HARICHAMDRA NATH AND LATE NILIMA DEVI,
R/O- VILLAGE PUNIA,
P.O- KHANDAJAN,
P.S- SIPAJHAR, DIST- DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION (ELEMENTARY) DEPARTMENT, JANATA BHAWAN, DISPUR,
GUWAHATI- 6.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
KAHILIPARA
GUWAHATI-19

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
MANGALDOI
DIST.- DARRANG
ASSAM

4:THE BLOCK ELEMENTARY EDUCATION OFFICER
SIPAJHAR BLOCK
DIST.- DARRANG
ASSAM

5:THE DEPUTY COMMISSIONER
MANGALDOI
DIST.- DARRANG
ASSA

Advocate for the Petitioner : MR. R SARMA

Advocate for the Respondent : SC, ELEM. EDU

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

23-01-2023

Heard Ms. D. Dutta, learned counsel for the petitioner and Mr. SMT Chistie, learned Standing Counsel, Department of School (Elementary) Education, Assam for the respondent Nos. 1 to 4. Also heard Ms. D. Das Barman, learned Government Advocate, Assam for the respondent No.5.

It is stated that the mother of the petitioner, Nilima Devi, was Headmistress of Narikali L.P. School in the Sipajhar Education Block of Darrang District, who died in harness on 22.12.2016 due to a road traffic accident.

On 09.05.2017, on the report of the concerned Circle Officer, Sipajhar, the office of the Deputy Commissioner, Darrang issued 'Next of Kin' Certificate of the said deceased Nilima Devi, wherein the name of the petitioner has been shown to be her daughter, aged about 17 years 7 months.

From the High School Leaving Certificate Examination, 2016, passed Certificate issued by the Board of Secondary Education, Assam in favour of the petitioner, annexed to this writ petition, it is seen that her date of birth as recorded is 10.10.1999. As such, on the date of death of her mother on 22.12.2016, the petitioner was 17 years 2 months.

Petitioner passed her Graduation with Major in Economics in the year 2021 from Gauhati University. She on 20.06.2018 submitted application before the

Deputy Inspector of Schools, Mangaldai, Darrang for her appointment on compassionate ground, who in turn on 05.10.2018 forwarded the same to the District Elementary Education Officer, Darrang.

As the case of the petitioner was not placed before the District Level Committee (DLC) for compassionate appointment, Darrang, the petitioner has filed this writ petition on 22.08.2022 praying for a direction to the respondents herein to place her case before the said DLC, Darrang.

Pursuant to the order dated 26.08.2022 and during the deliberation of the matter, Ms. D. Das Barman, learned Government Advocate, Assam has placed the minutes dated 31.12.2022 of the DLC, Darrang, which goes to show that the said DLC recommended the name of the petitioner for her appointment stating that the case of the petitioner for her appointment on compassionate ground was earlier rejected by the said DLC on two occasions in its meetings held on 31.05.2019 and 31.12.2021 and were rejected due to late submission of application by her following the provisions of the Governments Office Memorandum No. ABP.50/2006/Pt./182 dated 01.06.2015 that relates to the Guidelines stipulated by the State Government in the Personnel Department for consideration of appointment on compassionate ground including the cases of died-in-harness of Government employee.

As the petitioner on 30.11.2022 again applied for her appointment on compassionate ground through the local MLA, the DLC for compassionate appointment, Darrang forwarded the proposal of the petitioner to the Government for consideration and necessary action.

Since, the DLC for compassionate appointment, Darrang have already recommended the name of the petitioner to the Government for consideration,

as noted above, the petitioner got the relief as prayed for in this writ petition.

For the reasons noted above, this writ petition does not call for any further adjudication with regard to the prayer made by the petitioner.

Accordingly, this writ petition stands disposed of.

Copy of the Minutes of the DLC, Darrang dated 31.12.2022 placed before the Court today by Ms. D. Das Barman, learned Government Advocate, Assam be kept as part of the record.

JUDGE

Comparing Assistant