

GAHC010190722021



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

Case No. : WP(C)/6975/2021

NAMITA BALA BARMAN
W/O LATE GAJENDRA CH. BARMAN, R/O VILLAGE- JOYPUR, P.O AND P.S-
KOKRAJHAR, DIST- KOKRAJHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
HEALTH AND FAMILY WELFARE DEPARTMENT, DISPUR, GUWAHATI-6

2:THE DIRECTOR OF HEALTH SERVICES

ASSAM
HENGRABARI
GUWAHATI-781036

3:THE PRINCIPAL SECRETARY

BODOLAND TERRITORIAL REGION
BODOFA NAGAR
P.O- KOKRAJHAR
DIST- KOKRAJHAR (BTR) ASSAM
PIN-783370

4:THE DIRECTOR OF HEALTH SERVICES

B.T.R
KOKRAJHAR
P.O- KOKRAJHAR
DIST- KOKRAJHAR (BTR)
ASSAM
PIN-783370

5:THE JOINT DIRECTOR OF HEALTH SERVICES

B.T.R.
KOKRAJHAR
P.O- KOKRAJHAR
DIST- KOKRAJHAR (BTR)
ASSAM
PIN- 783370

6:THE CHAIRMAN

STATE LEVEL SELECTION COMMITTEE
ASSAM
DISPUR
GUWAHATI-781006

7:THE DEPUTY COMMISSIONER

KOKRAJHAR
P.O- KOKRAJHAR
DIST- KOKRAJHAR (BTR)
ASSAM
PIN- 78337

Advocate for the Petitioner : MR. S UPADHAY

Advocate for the Respondent : SC, HEALTH

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 08/09/2023

Heard Mr. S. Upadhyay, learned counsel for the petitioner. Also heard Mr. S. R. Rabha, learned standing counsel, BTC and Ms. A. Talukdar, learned Government Advocate appears for the respondent No.1.

2. This writ petition is filed by the petitioner praying for appointment under the compassionate scheme. The husband of the petitioner, Late Gajendra Ch.

Barman was working as a Laboratory Technician in the office of the Joint Director of Health Services, B.T.R., Kokrajhar and he died in harness on 05.01.2011. The petitioner is applied for appointment under the compassionate scheme.

3. The petitioner applied for Grade-IV post and initially, the application of the petitioner was rejected by the DLC on the ground that she did not submit the application within the stipulated time. Being aggrieved, the petitioner approached this Court by filing writ petition being WP(C) No./4721/2014. This Court vide order dated 18.03.2019 directed the Joint Director of Health Services, Kokrajhar to place the application of the petitioner before the District Level Selection Committee (DLSC) without any further delay. The District Level Selection Committee, Kokrajhar by its meeting dated 24.12.2019 recommended the case of the petitioner for compassionate appointment. Thereafter, the Joint Director of Health Services, Kokrajhar by its letter dated 13.01.2020 forwarded the names of the recommended candidates including the petitioner, by the DLC to the Director of Health Services, B.T.R., Kokrajhar. The petitioner was informed about his recommendations of the DLC by the Office of Joint Director of Health Services, Kokrajhar by its letter dated 27.09.2021. As per the scheme the case of the petitioner was required to be placed before the SLC but inspite of his attempt to find out if his case have been considered by the State Level Committee (SLC), no information was forthcoming from the Office of the respondents. The petitioner apprehends that his case have not been considered by the SLC inspite of the recommendations made by the DLC in its meeting dated 24.12.2019 and the same having been forwarded by the competent authority.

4. Under such circumstances, the petitioner has approached this Court by

way of this writ petition.

5. The learned counsels for the parties have been heard. Pleadings on record has also been carefully perused.

6. It is seen that the prayer in the writ petition is for a direction to the SLC to consider the case of the petitioner for appointment on compassionate ground in terms of the recommendations made by the DLC by its order dated 24.12.2019.

7. In that view of the matter, this Court is of the considered opinion that this writ petition need not be kept pending for want of instructions from the respondents.

8. Accordingly, having heard the learned counsels for the parties, this writ petition stands disposed of with a direction to the respondent to consider the claim of the petitioner in terms of the recommendations. In the event, the case of the petitioner has already been considered and orders thereon have already been passed by the SLC, copies of such orders shall be served to the petitioner. If no such orders have yet been passed by the SLC, as directed, the SLC will consider the case of the petitioner and pass a speaking order in their next meeting in terms of the scheme applicable and serve a copy of the same to the petitioner. It is expected that the next SLC meeting shall be held within a period of 4 (four) months from the date of receipt of a certified copy of this order.

9. The writ petition stands closed in terms of the above.

JUDGE

Comparing Assistant