

GAHC010191502023



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

**Case No. : WA/339/2023**

SARASWATI PAUL ,  
S/O- LATE CHAKRAPANI PAUL,  
VILL.- RONGPUR PT-III, P.O. AND P.S.- KATLICHERRA,  
DIST.- HAILAKANDI, ASSAM, PIN- 788163.

VERSUS

1. THE STATE OF ASSAM,  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,  
EDUCATION (ELEMENTARY) DEPTT.,  
ASSAM, DISPUR, GUWAHATI- 781006.

2:THE DIRECTOR OF ASSAM,  
ELEMENTARY EDUCATION DEPTT., ASSAM,  
KAHILIPARA, GUWAHATI- 781019.

3:THE DEPUTY COMMISSIONER AND CHAIRMAN,  
DISTRICT LEVEL COMMITTEE (DLC), HAILAKANDI  
P.O. AND DIST.- HAILAKANDI,  
ASSAM, PIN- 788151.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER (D.E.E.O)  
P.O. AND DIST.- HAILAKANDI, ASSAM, PIN- 788151

For the Appellant : Mr. A.H. Alamgir, Advocate.

For the Respondent(s) : Ms. S. Konwar, Standing Counsel, Elementary  
Education Department for respondent Nos.1, 2 and 4.  
Mr. D.K. Sarma, Additional Senior Government  
Advocate, Assam for respondent No.3.

**- B E F O R E -**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**11.09.2023**

The instant intra-Court writ appeal is directed against the order dated 27.07.2023 passed by the learned Single Bench rejecting the writ petition, being WP(C) No.3651/2023, preferred by the appellant herein, seeking a direction upon the respondents to consider her case for appointment on compassionate basis in place of her late father, Shri Chakrapani Paul, who died in harness while working as a Head Teacher in 97 No. Dinanathpur L.P. School under the District Elementary Education officer, Hailakandi, on 10.08.2002.

2. We have heard and considered the submissions advanced by the learned counsel for the appellant and have gone through the impugned order and the material placed on record.

3. The application filed by the appellant/petitioner was rejected on the ground that she was less than 18 years of age on the date of filing of the application. The District Level Committee (DLC) in its meeting dated 05.10.2021, objectively considered the claim of the appellant/petitioner and rejected the same holding that she was not entitled to be so appointed because she was underage on the date of submission of the application form.

4. We are of the firm view that this decision cannot be faulted as the applicable guidelines i.e. O.M. No.ABP.50/2006/Pt./183 dated 1<sup>st</sup> June/2015 issued by the Government, clearly prescribe that the aspirant for the post must be 18 years of age on the date of filing the application.

In addition thereto, we find that the application for seeking compassionate appointment came to be filed after a lapse of 15(fifteen) years from the death of the Government employee without any justification being offered for the inordinate delay.

5. Learned counsel for the appellant tried to impress upon the Court that the appellant's mother had filed an application soon after the death of her husband seeking compassionate appointment but the DLC did not take any action upon such application.

6. However, from the pleadings of the writ petition, we do not find any such projection even remotely which can suggest that the appellant's mother had ever sought compassionate appointment in place of her late husband.

7. Law is well settled that compassionate appointment is offered as a measure of providing immediate financial relief to the family of the Government employee dying in harness and to tide them over penury.

8. In this background, we are of the firm view that the learned Single Bench was perfectly justified in rejecting the writ petition, WP(C) No.3651/2023, preferred by the appellant herein.

The impugned order dated 27.07.2023 passed by the learned Single Bench in WP(C) No.3651/2023 does not suffer from any infirmity warranting interference.

Hence, the writ appeal fails and is dismissed, as being devoid of merit.

**JUDGE**

**CHIEF JUSTICE**

Comparing Assistant

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