

GAHC010207222023



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

Case No. : WP(C)/5353/2023

RAHMAT ULLAH LASKAR
S/O LT. MAKTAR ALI LASKAR VILL. NARAINPUR PART II PO. NORTH
LAKHIMPUR P.S ALGAPUR DIST. HAILAKANDI ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
TO BE REP BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM EDUCATION ELEMENTARY DEPTT. DISPUR GUWAHATI 6

2:THE STATE LEVEL COMMITTEE (SLC)
REP BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM DISPUR
GUWAHATI 6

3:THE DIRECTOR OF ELEMENTARY EDUCATION
DEPTT. ASSAM
KAHILIPARA GUWAHATI 19

4:THE DISTRICT LEVEL COMMITTEE (DLC)
HAILAKANDI
FOR COMPASSIONATE APPOINTMENT REP BY ITS CHAIRMAN DEPUTY
COMMISSIONER HAILAKANDI P.O. P.S. AND DIST. HAILAKANDI ASSAM

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER HAILAKANDI
P.O. AND DIST. CACHAR ASSAM

6:THE DEPUTY INSPECTOR OF SCHOOL HAILAKANDI
P.O. AND DIST. CACHAR ASSA

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 21.12.2023

Heard Mr. A. M. Barbhuiya, learned counsel for the petitioner. Also heard Mr. A. Phukan, learned standing counsel, Elementary Education Department, appearing on behalf of the respondents No. 1, 3 5 & 6; and Ms. D. Das Barman, learned Addl. Sr. GA, appearing on behalf of respondents No. 2 & 4.

As consented to by the learned counsels appearing for the parties, the matter is taken-up for disposal.

The petitioner's father late Maktar Ali Laskar who had worked as a Head Teacher of Saman Ali LP School died in harness on 27.03.2012. The petitioner thereafter on 07.07.2012 had submitted his application for consideration of his case on compassionate ground. The application of the petitioner not being considered, he had approached this Court by preferring WP(c)4571/2019 and this Court vide order dated 15.07.2019 while considering the case of the petitioner, had directed the respondents to consider the case of the petitioner for appointment on compassionate ground. Thereafter, the DLC, Hailakandi, in its meeting held on 05.10.2021, had considered the case of the petitioner but rejected his case on the ground that the applicant had submitted a Senior Secondary School Certificate from a Board/Institute not recognized by the Government of Assam. The petitioner in the present proceeding, has contended that in the event, he was not considered for appointment as a Teacher, his case ought to have been considered for appointment as a Grade IV employee for which he had requisite qualification.

It is seen that the DLC in its meeting held on 05.10.2021, while rejecting the case of the petitioner for being not eligible for appointment to the post of a Teacher in a LP School, had not considered his case for appointment against any Grade IV post that may be available.

In view of the said position, while not interfering with the rejection of the case of the petitioner by the DLC in its meeting held on 05.10.2021, the District Elementary Education Officer, Hailakandi, is hereby directed to replace the case of the petitioner before the jurisdictional DLC for consideration of his case for appointment on compassionate ground to a Grade IV post commensurating to his educational qualification.

It is further directed that such consideration shall be made on the basis of qualification possessed by the petitioner on the date, he had submitted his application. The District Elementary Education Officer, Hailakandi, shall, on receipt of a certified copy of this order from the petitioner, shall place his case in the next available meeting of the jurisdictional DLC.

The jurisdictional DLC thereafter shall consider the case of the petitioner strictly in accordance with the scheme, parameters therein, and also by taking into account, the decision of the Hon'ble Apex Court rendered in the case of State of W.B. v. Debabrata Tiwari & ors.[reported in (2023) SCC Online SC 219].

With the above directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant