

GAHC010215302022



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

Case No. : WP(C)/6950/2022

BOLIN RAJKHOWA
S/O- LT. GUNARAM RAJKHOWA, R/O- VILL- NO.1, TENGAPATHAR, P.O.
RAIDONGIA, DIST.- LAKHIMPUR, ASSAM, PIN- 784164

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMM. AND SECY., TO THE GOVT. OF ASSAM, ELEMENTARY
EDUCATION DEPTT., DISPUR, GHY-6

2:THE DIRECTOR OF ELEMENTARY EDUCATION DEPTT.
ASSAM
KAHILIPARA
GHY-19

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
LAKHIMPUR
ASSAM

4:THE DY. COMMISSIONER
LAKHIMPUR
NORTH LAKHIMPUR
ASSA

Advocate for the Petitioner : MR. L GOGOI

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

26.06.2023

O R D E R

Heard Mr. L. Gogoi, learned counsel for the petitioner.

2. Mr. G. Pegu, learned Standing Counsel, Elementary Education Department, Government of Assam, appears for respondent Nos.1 to 3 whereas Mr. G. Pegu, learned Government Advocate, Assam appears for respondent No.4.

3. The father of the petitioner, late Gunaram Rajkhowa, while serving as a Grade-IV employee of Panbari Majgaon Majoliya Bidyalaya, Lakhimpur died in harness on 04.05.2012. Thereafter, the petitioner made an application for appointment on compassionate ground on 21.06.2012. The case of the petitioner was considered by the District Level Committee, Lakhimpur, North Lakhimpur on 16.03.2013 and was recommended for appointment as a Grade-IV employee. The State Level Committee in its meeting held on 01.04.2014 also recommended the case of the petitioner for appointment to a Grade-IV post. Thereafter, the petitioner was appointed as a Grade-IV (Chowkidar) in Balipathar Anchalik M.E. School on compassionate ground by order dated 03.09.2014 issued by the Director of Elementary Education, Assam.

4. Some of the applicants, who were not recommended by the concerned District Level Committee in its meeting dated 16.03.2013, approached this Court by filing a batch of writ petitions and the lead case being WP(C) No.278/2017 alleging that there were two lists of DLC minutes, one fake and the other genuine and the SLC in its meeting held on 01.04.2014 considered the fake list and made its recommendations. Accordingly, WP(C) No.278/2017 and the batch of writ petitions were disposed of by order dated 28.05.2018 directing that the case of the petitioners therein, whose names appears in the genuine DLC minutes dated 16.03.2013, shall be considered by the State Level Committee in the next SLC meeting. As the name of the petitioner appeared in the fake list of the DLC minutes dated 16.03.2013, his name was

automatically terminated.

5. It is the case of the petitioner that similarly situated persons, who were appointed and later terminated inasmuch as their names appeared in the fake list of the DLC has been considered by the DLC again and recommendations have been made for their appointment. However, the case of the petitioner is yet to be reconsidered again by the DLC.

6. In that view of the matter, this writ petition is disposed of directing the concerned District Level Committee to reconsider the case of the petitioner again on its own merits and, thereafter, make recommendation in accordance with law in its next immediate sitting.

7. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant