

GAHC010225202022



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

Case No. : WP(C)/7126/2022

BISWAJIT NATH
S/O- LATE SUBHASH NATH,
R/O- VILLAGE AND P.O.- NAPAM,
P.S.- TEZPUR,
DIST.- SONITPUR, ASSAM,
PIN- 784028.

VERSUS

THE STATE OF ASSAM AND 5 ORS
THROUGH-
THE COMMISSIONER AND SECRETARY,
TO THE GOVERNMENT OF ASSAM,
ELEMENTARY EDUCATION DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE STATE LEVEL COMMITTEE FOR COMPASSIONATE APPOINTMENT
REPRESENTED BY ITS CHAIRMAN
THE CHIEF SECRETARY
TO THE GOVERNMENT OF ASSAM
DISPUR
GUWAHATI- 781006.

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
DISPUR
GUWAHATI- 781019.

4:THE DISTRICT LEVEL COMMITTEE FOR COMPASSIONATE
APPOINTMENT
REPRESENTED BY ITS CHAIRMAN
THE DEPUTY COMMISSIONER
SONITPUR

TEZPUR
DIST.- SONITPUR
ASSAM.

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
TEZPUR
DIST.- SONITPUR
ASSAM.

6:THE BLOCK ELEMENTARY EDUCATION OFFICER
NADUAR
JAMUGURIHAT
TEZPUR
DIST.- SONITPUR
ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : SC, ELEM. EDU

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

04-01-2023

Heard Mr. S.C. Biswas, learned counsel for the petitioner and Mr. G. Pegu, learned Standing Counsel, Elementary Education Department for the respondent Nos. 1, 3, 5 and 6. Also heard Ms. D. Das Barman, learned Government Advocate, Assam for the respondent Nos. 2 and 4.

Father of the petitioner, Subhash Nath, Headmaster of Gotaimari Lower Primary School in the Naduar Education Block, Jamugurihat of Sonitpur District died in harness on 08.01.2013.

Though the petitioner applied for his compassionate appointment in the prescribed format on 11.06.2013 for any Grade-IV post, the respondent authorities did not consider his case. Hence, this writ petition by the petitioner

for a direction to the respondents to place his case in the next meeting of the DLC immediately for consideration of his appointment on compassionate ground in any suitable vacant post of Grade-IV.

Pursuant to the orders passed earlier in this writ petition, Ms. D. Das Barman, learned Government Advocate, Assam placed a communication dated 08.12.2022 of the Deputy Commissioner-cum-Chairman of the District Level Committee for compassionate appointment, Sonitpur, which goes to show that the case of the petitioner was earlier placed before the DLC for compassionate appointment, Sonitpur on 05.08.2014. But in the said DLC the case of the petitioner could not be recommended due to non-availability of Grade-IV vacancy at the time of submission of proposals.

Considering the above, the District Elementary Education Officer, Sonitpur, Tezpur respondent No.5 is directed to place the case of the petitioner before the DLC for compassionate appointment, Sonitpur in its next meeting for reconsideration of the case of the petitioner for his compassionate appointment.

The respondent authorities in the DLC for compassionate appointment, Sonitpur as per the relevant Office Memorandum/ Notifications regarding compassionate appointment and in terms of the decisions of this Court in the case of *Achyut Ranjan Das and others Vs. State of Assam and others*, reported in 2006 (4) GLT 674, as well as in the case of *Faziron Nessa Vs. State of Assam and Ors.* reported in 2010 (4) GLT 340 shall consider the case of the petitioner for his appointment on compassionate ground under the Die-in-Harness Scheme in any Grade-IV post and shall take a decision in terms of the said observations and shall communicate the petitioner about the outcome of the same.

Petitioner shall submit a certified copy of this order before the District

Elementary Education Officer, Sonitpur, Tezpur respondent No.5 forthwith obtaining necessary acknowledgment from the said authority in that regard, who in turn shall place the case of the petitioner before the next meeting of the DLC, for compassionate appointment, Sonitpur, as directed above.

With the above observation and direction, this writ petition stands disposed of.

Copy of the communication of the Deputy Commissioner, Sonitpur, Tezpur dated 08.12.2022 placed today before the Court by Ms. D. Das Barman, learned Government Advocate, Assam be kept as part of the record.

JUDGE

Comparing Assistant