

GAHC010227492022



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

Case No. : WP(C)/7168/2022

SURAJ BORGOHAIN
S/O- LATE SISHURAM BORGOHAIN, R/O- VILLAGE 1 NO. NIMURI, P.O.
SIMALUGURI, P.S. BIHPURIA, DIST. LAKHIMPUR, ASSAM, PIN- 784165.

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, ELEMENTARY EDUCATION DEPARTMENT, DISPUR, GUWAHATI-
781006.

2:THE STATE LEVEL COMMITTEE (SLC)
REPRESENTED BY THE CHIEF SECRETARY- CUM- CHAIRMAN
STATE LEVEL COMMITTEE (SLC) FOR APPOINTMENT ON
COMPASSIONATE GROUND
DISPUR
GUWAHATI-781006.

3:THE DISTRICT LEVEL COMMITTEE (DLC)
REPRESENTED BY THE DEPUTY COMMISSIONER
LAKHIMPUR
ASSAM
PIN- 783129.

4:THE DIRECTOR
ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019.

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER (DEEO)

LAKHIMPUR
ASSAM

PIN- 783129

Advocate for the Petitioner : MR. S U AHMED

Advocate for the Respondent : GA, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

17-01-2023

Heard Mr. S. U. Ahmed, learned counsel for the petitioner and Mr. B. Kaushik, learned Standing Counsel, Department of School Education (Elementary) for the respondent Nos. 1, 4 and 5. Also heard Ms. D. Das Barman, learned Government Advocate, Assam for the respondent Nos. 2 and 3.

For proper adjudication of this case, the Member Secretary of the State Level Committee in the Department of School Education be impleaded as party respondent No. 6.

Mr. B. Kaushik, learned Standing Counsel, Department of School Education (Elementary) appeared on behalf of the newly impleaded respondent No.6.

Matter pertains to compassionate appointment under the Die-in-Harness Scheme of the State.

Father of the petitioner, Sisuram Borgohain, Assistant Teacher of Nimuri M.E. School, a provincialised Upper Primary School in the District of Lakhimpur of the

State died in harness on 09.03.2011.

On the death of his father, the petitioner on 19.02.2012 applied for his appointment on compassionate ground for the post of Assistant Teacher in Lower Primary School.

As the respondent authorities in the State Level Committee (SLC) for compassionate appointment has not yet considered his case, the petitioner has preferred this writ petition.

The petitioner stated that the District Level Committee for compassionate appointment of Lakhimpur District in its meeting held on 17.03.2022 recommended the name of the petitioner for his appointment on compassionate ground for the post of Assistant Teacher in Lower Primary School under the Elementary Education Department.

Pursuant to the order dated 11.11.2022, the Deputy Commissioner, Lakhimpur by its communication No. LPE.45/2018/85 dated 03.12.2022 apprised the Court that the case of the petitioner for his compassionate appointment was earlier considered by the DLC, Lakhimpur in its meeting held on 24.07.2015, but his case was not recommended.

Later, the proposal of the petitioner was placed before the DLC, Lakhimpur in its meeting held on 17.03.2022, and his case was recommended for the post of Assistant Teacher in Lower Primary School under the Elementary Education Department.

The Deputy Commissioner, Lakhimpur by the said communication dated 03.12.2022 also apprised the Court that from the records available in his office in respect of appointment under compassionate ground in the district of Lakhimpur, the names of recommended candidates were only recorded in the

minutes and the names of the rejected candidates were not recorded in such meetings and that only the recommended list that were recorded in the minutes have been kept aside whereas the list of rejected candidates are not available.

Pursuant to the order dated 21.12.2022, Mr. B. Kaushik, learned Standing Counsel, Department of School Education (Elementary) on instruction apprised the Court that date of birth of late father of the petitioner was 21.02.1955.

Considering the above, it is seen that at the time of death of said Sisuram Borgohain, late father of the petitioner, he had more than 3 years service tenure.

Since the DLC for compassionate appointment, Lakhimpur in its meeting held on 17.03.2022 recommended the name of the petitioner for his appointment as Assistant Teacher of Lower Primary School on compassionate ground, the Member Secretary of the State Level Committee in the Department of School Education, respondent No. 6 is directed to place the case of the petitioner before the SLC to consider the case of the petitioner in its next meeting 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 and the relevant Office Memorandum/Notifications regarding compassionate appointment under the Die-in-Harness Scheme of the State that is in force as applicable and to inform the petitioner about its outcome pertaining to his appointment on compassionate ground.

Petitioner shall furnish a certified copy of this order along with a copy of this writ petition including the Annexures appended thereto to before the Member Secretary of the State Level Committee in the Department of School

Education for compassionate appointment obtaining necessary acknowledgement from the said authority in that regard forthwith.

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

JUDGE

Comparing Assistant