

GAHC010228452022



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

Case No. : WP(C)/7248/2022

N BIJIT KUMAR SINGHA
S/O- LT. N BIMAL KUMAR SINGHA, VILL- BANSKANDI III, P.O.
BANSKANDI S.O, P.S. LAKHIPUR, DIST.- CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM,
ELEMENTARY EDUCATION DEPTT., DISPUR, GHY-6

2:THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GHY-6

3:THE COMM. AND SECY.
TO THE GOVT. OF ASSAM
FINANCE DEPTT. DISPUR
GHY-6

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

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
CACHAR
P.O. SILCHAR
DIST.- CACHAR
ASSAM
PIN- 788001

6:THE DEPUTY COMMISSIONER

CACHAR
SILCHA

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 12.05.2023

Heard Mr. A.M. Barbhuiya, learned counsel for the petitioner. Also heard Ms. N. Phukan, learned Standing counsel, Department of School (Elementary) Education, Assam for the respondent Nos. 1, 4 and 5; Ms. D. D. barman, learned Additional Senior Government Advocate, Assam for the respondent No.2 and 6; and Mr. B. Gogoi, learned Standing counsel, Finance Department, Assam for the respondent No.3.

2. Petitioner before this Court was the son of one N. Bimal Kumar Singha, who was working as a regular Head Teacher at 539 No. Karaikandi L. P. School under Lakhipur Education Block. The father of the petitioner died in harness on 17.12.2016 leaving behind his wife, who also subsequently expired and the preset petitioner as well as one daughter. At the time of death of the father of the petitioner, he was about 14 years old.

3. Learned counsel for the petitioner submits that immediately after the death of his father, his mother had filed an

application for Compassionate Appointment. However, the said claim was not considered by the authorities. In the meantime the mother of the petitioner will expired on 12.08.2020 leaving behind the present petitioner and his sister. The claim of the petitioner not having been considered, he preferred a representation earlier dated 05.01.2021 praying for compassionate appointment in place of his father who died in harness in the year 17.12.2016. The said application not having been considered by the competent authorities and no such order has been received by the petitioner. Another representation dated 29.10.2022 was preferred. The said representation is also pending before the authorities. Being aggrieved, the present writ petition has been filed before this Court praying for appropriate directions or order.

4. Ms. D. D. Barman, learned Additional Senior Government Advocate, Assam appears for the respondent submits on instructions that there is no record of receipt of any representation filed by his late mother as well as by him in so far as his earlier representation dated 05.01.2021 was stated to have been filed.

5. Ms. D. D. Barman, learned Additional Senior Government Advocate, Assam further submits that the claim of the petitioner that his applications have not been considered and no effective orders have been passed is not born out of the record as there is no record of any of these earlier representations being available in the records of the Office.

She, however, fairly submits that the representation dated 29.10.2022 is available in the records of the Office and no orders have been passed as on date.

6. Having heard the learned counsels for the parties and upon due perusal of the pleadings on record, this Court is of the view that the matter can be closed by directing the respondent authorities, namely, District Elementary Education Officer, Cachar to place it before the DLC, Cachar the representation dated 29.10.2022, which is stated to have been filed by the petitioner. The DLC, Cachar will thereupon taking note of the Judgments of the Court including 2016 (9) SCC 195 read with the Judgment and Order dated 13.12.2022 passed in WP(C) 6271/2022 and thereupon pass adequate orders. Any such order that may be passed, copies thereof be furnished to the petitioner.

7. Accordingly, the writ petition is disposed of.

8. The entire exercise is to be completed within a period of 60 days from the date of receipt of the certified copy of this order.

JUDGE

Comparing Assistant