

GAHC010232382022



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

Case No. : WP(C)/7330/2022

SABITRI PHUKAN BHARALI @ SABITRI PHUKAN
W/O. LT. LOHITESWAR BHARALI, VILL. GOSAINBARI, P.S. BIHPURIA, DIST.
LAKHIMPUR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE CHIEF SECRETARY CUM CHAIRMAN, STATE LEVEL
SELECTION COMMITTEE, GOVT. OF ASSAM, DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER AND SECY.
TO THE GOVT. OF ASSAM
ELEMENTARY EDUCATION DEPTT.
DISPUR
GUWAHATI-781006.

3:THE DIRECTOR OF ELEMENTARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI-781019.

4:THE DEPUTY COMMISSIONER LAKHIMPUR CUM THE CHAIRMAN

DIST. LEVEL SELECTION COMMITTEE
LAKHIMPUR
ASSAM
PIN-787001.

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER

LAKHIMPUR

ASSAM
PIN-787001

Advocate for the Petitioner : MR. P J SAIKIA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

17-08-2023

Heard Mr. P.J. Saikia, learned counsel for the petitioner. Also heard Mr. P. Saikia, learned State Counsel, appearing for the respondent nos.1 & 4 and Ms. N. Phukan, learned Standing Counsel, Elementary Education Department appearing of the respondent nos. 2, 3 & 5.

2. This writ petition is filed by the petitioner praying for a direction to the respondent authorities to place the matter before the DLC for consideration of her application for compassionate appointment. The petitioner's husband late Lohiteswar Bharali died in harness on 23.08.2003 leaving behind the petitioner as his widow and his 2 (two) minor daughters and his mother. Since the petitioner's husband was the sole bread earner of his family, after his demise the petitioner family had to undergo extreme financial hardship and therefore, she applied for appointment on compassionate ground. However, in spite of approaching the respondent authorities and submitting the relevant documents pursuant to the communication dated 29.06.2004 from the Office of the DEEO, Lakhimpur, the status of her application has not been made known to her. The petitioner being a poor widow had approached the authorities time and again but no information was forthcoming. Being aggrieved, she has approached this

Court by filing the writ petition.

3. Learned counsel for the petitioner submits that in terms of the OM dated 01.06.2015 upon filing the application for compassionate appointment, the matter is required to be placed by the concerned office before the District Level Committee (DLC). However, in spite of the specific provisions in the OM dated 01.06.2015 and in spite of several requests made by the petitioner, no information is forthcoming whether her application was placed before the DLC and whether it was taken up for consideration by the DLC.

4. Mr. P. Saikia, learned State Counsel appearing for the respondent nos. 1 & 4 submits that there are no instructions received from the Office of DEEO as to the status of the application stated to have been filed by the petitioner seeking compassionate appointment. Ms. N. Phukan, learned Standing Counsel, Elementary Education Department appearing for the respondents no. 2, 3 & 5 also makes similar submissions. However, Mr. P. Saikia submits that he has received instructions from the Deputy Commissioner, Lakhimpur that no such application has been forwarded before the Deputy Commissioner, who is the Chairman of the DLC.

5. Having heard the learned counsels for the parties and upon perusal of the writ petition, this Court is of the view that the matter can be disposed of at this stage with a direction to the Director of Elementary Education Department, the respondent no.3 to forthwith verify the status of the application stated to have been filed by the petitioner before the DEEO, Lakhimpur seeking appointment on compassionate ground. If the application of the petitioner has not been placed before the DLC till date, the same shall be placed before the DLC in it's next meeting for the District of Lakhimpur. The DLC thereafter will consider the case of the petitioner in terms of the provisions of OM dated 01.06.2015 and

pass appropriate orders thereon. Any such order that is passed on such application by the DLC, a copy thereof be furnished to the petitioner. If, in the meantime, the matter has already been placed before the DLC and any order thereon has already been passed, a copy thereof be furnished to the petitioner with due communication.

The respondent no.2 will carry out the orders within 3 (three) weeks from the date of receipt of a certified copy of this order. Thereafter, the DLC, Lakhimpur will consider the matter as directed in the next DLC meeting that may be held.

6. In terms of the above, the writ petition stands disposed of.

JUDGE

Comparing Assistant