

GAHC010235352022



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

Case No. : WP(C)/7390/2022

PARTHA PRATIM DAS
S/O. LT. UPEN DS, R/O. VILL. HUJGAON, P.O. DHAKUAKHANA, P.S.
DHAKUAKHANA, DIST. LAKHIMPUR, ASSAM. PIN-787055.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, STATE LEVEL
SELECTION COMMITTEE ON COMPASSIONATE GROUND, DISPUR,
GUWAHATI-781006.

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

3:THE DIRECTOR OF ELEMENTARY EDUCATION

KAHILIPARA
ASSAM
PIN-781019.

4:THE DEPUTY COMMISSIONER CUM CHAIRMAN

DIST. LEVEL SELECTION COMMITTEE ON COMPASSIONATE GROUND
LAKHIMPUR
ASSAM
PIN-787001.

5:THE BLOCK ELEMENTARY EDUCATION OFFICE

DHAKUAKHANA

LAKHIMPUR
DIST. LAKHIMPUR
ASSAM

Advocate for the Petitioner : MR. B GOGOI

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

26-05-2023

Heard Ms. U. Hazarika, learned counsel for the petitioner. Also heard Shri P. Saikia, learned State Counsel and Shri P. Bora, learned Standing Counsel for the Elementary Education Department.

Considering the subject matter involved and as agreed to by the learned counsel for the parties, this writ petition is taken up for disposal at the motion stage.

This Court has also noted that written instructions have been obtained by the State Counsel, which have been considered.

The case projected is that the father of the petitioner, Upen Das, who was serving as Head Teacher in the Rampur L. P. School, under the office of the Block Elementary Education Office, Dhakuakhana in the district of Lakhimpur had passed away on 07.09.2009 while he was in service. The petitioner being eligible for consideration for appointment on compassionate ground had made an application on 26.11.2009. The said application was forwarded by the concerned authorities whereafter certain more details was asked from the petitioner vide communications dated 09.07.2010 and 19.07.2010.

It is the case of the petitioners that he was not informed regarding the fate of such consideration and, accordingly, he had also filed the representation on 14.10.2022.

Ms. Hazarika, the learned counsel for the petitioner has submitted that one time

consideration is a requirement under the law governing the field of appointment on compassionate ground and in the instant case that requirement does not seem to have been fulfilled.

Shri Saikia, the learned State Counsel has submitted that the projection made by the petitioner is not wholly correct. He submits that the District Level Committee (DLC) in its meeting held on 26.02.2010 had been taken up the case of the petitioner but had referred the same for further consideration. On the subsequent consideration which was on 10.08.2011, the case of the petitioner was however rejected on the ground that in the meantime, more than 2 years have lapsed. The State Counsel has fairly submitted that such rejection does not appear to be proper as due consideration of the case of the petitioner was yet to be done.

Under the aforesaid facts and circumstances and taking into consideration the law governing the field of appointment on compassionate ground, the present writ petition is allowed by directing the DLC, Lakhimpur to take afresh the matter regarding consideration of the case of the petitioner for appointment on compassionate ground on the merits. It is made clear that delay shall not be a ground for such consideration. The petitioner may be informed regarding the outcome of such consideration.

The aforesaid consideration as directed above, be made in the next meeting of the DLC, Lakhimpur.

The writ petition stands disposed of.

JUDGE

Comparing Assistant