

GAHC010236152022



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

Case No. : WP(C)/7769/2022

MANASH PRATIM SAIKIA
SON OF LATE RAM SAIKIA,
RESIDENT OF VILLAGE AND P.O.- DEOTOLA,
DISTRICT- LAKHIMPUR, PIN- 787033,
ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
DEPARTMENT OF SECONDARY EDUCATION, DISPUR,
GUWAHATI- 781006, ASSAM.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
SECONDARY EDUCATION DISPUR
GUWAHATI- 781006
ASSAM.

3:DIRECTOR OF SECONDARY EDUCATION
KAHILIPARA MAIN ROAD
781019, ASSAM.

4:THE DEPUTY COMMISSIONER OF LAKHIMPUR CUM CHAIRMAN
DISTRICT LEVEL COMMITTEE
NORTH LAKHIMPUR
LAKHIMPUR

P.O.- NORTH LAKHIMPUR
DISTRICT- LAKHIMPUR
ASSAM.

5:INSPECTOR OF SCHOOL
NORTH LAKHIMPUR

LAKHIMPUR
P.O.- NORTH LAKHIMPUR
DISTRICT- LAKHIMPUR
ASSAM.

6:HEADMASTER
KAMALPUR HIGH SCHOOL
LAKHIMPUR
P.O.- NORTH LAKHIMPUR
DISTRICT- LAKHIMPUR
ASSAM

Advocate for the Petitioner : MR P R SARMA
Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

26-05-2023

Heard Shri P. R. Sarma, learned counsel for the petitioner, who by means of this petition has prayed for a direction for consideration of his case for appointment on compassionate ground.

The case of the petitioner is that his father, Ram Saikia was an employee of the Kamalpur High School in the district of Lakhimpur, who had passed away on 31.08.2001 while in service. The petitioner claims to have submitted a representation on 12.10.2001, which however is yet to be considered.

Shri Sarma, the learned counsel for the petitioner has submitted that the representation submitted by the petitioner was duly forwarded to the Inspector of Schools by the Head Master, which would appear from the body of the application itself.

On the other hand, Shri P. Saikia, the learned counsel by drawing the attention of the said representation dated 12.10.2001 has submitted that apart from the forwarding note by the Head Master, there is nothing on record by which the petitioner has demonstrated that the matter was submitted before the appropriate authority. Shri

Saikia, has also raised the point of delay.

After consideration of the materials on record, what intrigues this Court is absolutely long and inordinate delay of about 21 years in approaching this Court in a case of consideration for appointment on compassionate ground. As laid down by various judicial pronouncements, the very objective of the Scheme is to give immediate succor to a family, which has lost its earning member and in the instant case, it appears that the said objective is nowhere connected by the long and inordinate delay. To specific query by this Court, Shri Sarma, the learned counsel for the petitioner has however referred to the pleadings in paragraph-6 of the writ petition, which is extracted herein below:-

“6. That the petitioner begs to state that the said authorities had slept over his representation. It may be mentioned herein that whenever the petitioner had approached the authorities regarding the status of his representation he would verbally be told that it was under process. And, the authorities had ultimately turned a deaf ear towards his request.”

The said explanation is no explanation in the eyes of law as the fault has been sought to be attributed upon the respondents by stating that they had slept over his representation.

On the other hand, this Court is of the opinion that it is the petitioner who has slept over his rights and has approached a Court of Equity after a delay of 21 years, which is not at all explained. Even otherwise, after two decades, there is no requirement under the Scheme for such consideration as, which has been stated above, is not the objective of the Scheme for the appointment on compassionate ground.

Accordingly, the writ petition stands dismissed.

JUDGE

Comparing Assistant