

GAHC010239882022



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

Case No. : WP(C)/7570/2022

GUDDU KUMAR
S/O. LT. BHIKHU PRASAD, PERMANENT R/O. VILL. KARARIYA
(BIRTITOLA), P.O. KARARIYA (SIHORAWA), P.S. KOTWA, DIST. EAST
CHAMPARAN, BIHAR, PIN-845417, PRESENTLY RESIDING AT HINDI VIDYA
MANDIR M.E. SCHOOL, PANDU NATH, P.O. PANDU, GUWAHATI-12, DIST.
KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION
DEPTT. (ELEMENTARY), DISPUR, GUWAHATI-06.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

3:THE DEPUTY COMMISSIONER
KAMRUP (M)
DIST. KAMRUP (M)
ASSAM
PIN-781036.

4:THE DIST. ELEMENTARY EDUCATION OFFICER (D.E.E.O.)
KAMRUP (M)
DIST. KAMRUP (M)
ASSAM
PIN-781001.

5:THE DEPUTY INSPECTOR OF SCHOOLS
GUWAHATI
CHATRIBARI RIHABARI
DIST. KAMRUP (M)

ASSAM
PIN-781008

Advocate for the Petitioner : MR A L MANDAL

Advocate for the Respondent : SC, ELEM. EDU

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

09-01-2023

Heard Mr. A. L. Mandal, learned counsel for the petitioner and Mr. B. Kaushik, learned Standing Counsel, Department of School Education (Elementary), Assam for the respondent Nos. 1, 2, 4 and 5. Also heard Ms. D. Das Barman, learned Government Advocate, Assam for the respondent No. 3.

Father of the petitioner, Bhikhu Prasad, a regular Grade-IV Chowkidar of Hindi Vidya Mandir M.E. School, Pandu, Guwahati and he died in harness on 08.11.2013 leaving behind his wife i.e., the widow and 2 unemployed sons including the petitioner.

On 24.01.2014, the petitioner submitted an application for consideration of his case for a Grade-IV post on compassionate ground.

It is stated that the District Elementary Education Officer, Kamrup (Metro), respondent No.4 did not place the case of the petitioner before the District Level Committee (DLC) for compassionate appointment, Kamrup (Metro) for consideration of his case for appointment in Grade-IV post on compassionate ground.

Hence, this writ petition.

The petitioner has also filed an additional affidavit in the matter stating that his

mother and his elder brother on 03.02.2014 submitted necessary application before the District Elementary Education Officer, Kamrup (Metro) submitting their No Objection with regard to consideration of the case of the petitioner for his compassionate appointment under the Die-in-Harness Scheme of the State due to death of his father Bhikhu Prasad on 08.11.2013.

Pursuant to the order dated 25.11.2022, Ms. D Das Barman, learned Government Advocate, Assam placed the relevant information submitted by the Additional Deputy Commissioner, Kamrup Metropolitan District under No. KPE.49/2015/Pt.362 dated 13.12.2022 and apprised the Court that the case of the petitioner was considered by the DLC for compassionate appointment Kamrup (M) on 22.05.2018 and his case could not be finalized as re-verification of relevant papers/documents relating to the financial condition etc., that was required, was not available and accordingly, the said DLC decided to finalize the case of the petitioner subject to the submission of the relevant papers/documents by the department concerned.

The Additional Deputy Commissioner, Kamrup Metropolitan District by the said communication dated 13.12.2022 also placed before the Court that the case of the petitioner was again placed before the DLC for compassionate appointment, Kamrup (Metro) and on 30.09.2019, though the said DLC considered the case of the petitioner but rejected his case for compassionate appointment on the ground that the case was pending for more than 2 years from the date of making such application due to dearth of vacancy complying the Government Office Memorandum No.ABP.50/2006/Pt/182 dated 01.06.2015. As such, the said DLC for compassionate appointment, Kamrup (M) by its decision dated 30.09.2019 rejected the claim of the petitioner for his compassionate appointment under the Die-in-Harness Scheme of the State due to death of his father Bhikhu Prasad, a regular Grade-IV Chowkidar of Hindi Vidya Mandir M.E. School, Pandu, Guwahati on

08.11.2013.

As such, the claim of the petitioner that the District Elementary Education Officer, Kamrup (Metro) did not place his case for compassionate appointment before the said DLC being not tenable in law stands rejected.

Accordingly, this writ petition being devoid of merit, stands dismissed.

Copy of the communication No. KPE.49/2015/Pt.362 dated 13.12.2022 of the Additional Deputy Commissioner, Kamrup Metropolitan District placed today before the Court by Ms. D. Das Barman, learned Government Advocate, Assam be kept as part of the record.

Ms. D. Das Barman, learned Government Advocate, Assam shall also make available a copy of the said communication dated 13.12.2022 of the Additional Deputy Commissioner, Kamrup Metropolitan District to Mr. A. L. Mandal, learned counsel for the petitioner.

JUDGE

Comparing Assistant