

GAHC010260202022



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

Case No. : WP(C)/8301/2022

BIRAJ CHANDRA DAS
S/O- LATE BIMAL CHANDRA DAS ,
R/O- VILLAGE RAMRAIKUTHI PART I,
P.O- SATRASAL, P.S- AGOMONI, DIST- DHUBRI, ASSAM, PIN-783335

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
ELEMENTARY EDUCATION DEPARTMENT, DISPUR, GUWAHATI-781006

2:THE STATE LEVEL COMMITTEE (SLC) FOR COMPASSIONATE
APPOINTMENT
BE REP. BY ITS CHAIRMAN CUM THE CHIEF SECRETARY TO THE GOVT.
OF ASSAM
DISPUR
GUWAHATI-06.

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019

4:THE DISTRICT LEVEL COMMITTEE
FOR COMPASSIONATE APPOINTMENT. DHUBRI
REP. BY ITS CHAIRMAN CUM THE DEPUTY COMMISSIONER DHUBRI
ASSAM

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DHUBRI
P.O AND P
S- DHUBRI
DIST DHUBRI
ASSA

Advocate for the Petitioner : MR. A DAS
Advocate for the Respondent : GA, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

23/01/2023

Heard Mr. A Das, learned counsel for the petitioner. Also heard Mr. A Phukan, learned Standing counsel, Department of School (Elementary) Education for the respondent Nos. 1, 3 & 5 and Mr. S R Baruah, learned Government Advocate, Assam for the respondent No. 2.

It is stated that the father of the petitioner, Bimal Chandra Das was an Assistant Teacher of 7 No. Jhaskal Brojanath Pradhai Lower Primary School, a provincialised Elementary School in the District of Dhubri, who died-in-harness on 23.01.2006, leaving behind his widow, i.e., mother of the petitioner, two sons including the petitioner and one daughter when these children were minors.

The petitioner, on attaining the age of majority, on 27.05.2008 submitted an application before the Block Elementary Education Officer, Agomoni Education Block of District-Dhubri for his appointment on compassionate ground.

As the case of the petitioner was not considered by the District Level Committee for compassionate appointment, Dhubri, he earlier approached this Court in WP(C) No. 3703/2015 that was disposed of on 23.06.2015 as well as in WP(C) No. 5604/2017 that was disposed of on 27.10.2021.

Pursuant to the order of the Court dated 27.10.2021 passed in WP(C) No. 5604/2017, the District Level Committee for compassionate appointment, District-Dhubri in its meeting held on 28.12.2021 recommended the name of the petitioner for his appointment as an Assistant Teacher in Lower Primary School on finding that the petitioner possesses the requisite educational qualifications.

Since the authorities in the State Level Committee for compassionate appointment did not consider his case for compassionate appointment in spite of such recommendation of the District Level Committee for compassionate appointment, Dhubri dated 28.12.2021, the petitioner has preferred this

writ petition.

During the deliberation of the matter, Mr. S R Baruah, learned Government Advocate, Assam has placed a copy of the minutes of the State Level Committee for compassionate appointment dated 26.08.2022 which goes to show that the case of the petitioner was placed before the said State Level Committee and the SLC concerned in its meeting held on 26.08.2022 rejected the case of the petitioner for his compassionate appointment as an Assistant Teacher of Lower Primary School as he had filed his application for compassionate appointment after one year from the date of death of his father and due to non-availability of norms as provided in the Office Memorandum No. ABP.50/2006/Pt/182 dated 01.06.2015.

Since the State Level Committee for compassionate appointment in its meeting held on 26.08.2022 rejected the case of the petitioner for his compassionate appointment after consideration, this writ petition, being infructuous, stands dismissed.

Petitioner, if so advised, may approach the appropriate forum for redressal of his grievances pertaining to the decision of the State Level Committee for compassionate appointment dated 26.08.2022, noted above.

Mr. Baruah, learned Government Advocate, Assam shall serve a copy of the minutes of the SLC dated 26.08.2022 to Mr. A Das, learned counsel for the petitioner, obtaining necessary acknowledgement in that regard for his necessary use and to inform the petitioner about the said decision of the SLC.

A copy of the minutes of the SLC dated 26.08.2022 placed before the Court today by Mr. S R Baruah, learned Government Advocate, Assam be kept as a part of the record.

JUDGE

Comparing Assistant