

GAHC020006772023



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

Case No. : WP(C)/299/2023

SMTI. TEMJENJUNGLA
D/O LATE LIMAWATI, R/O LENGRIJAN COLONY, DIMAPUR, NAGALAND.
MOB NO. 7005458534

VERSUS

THE STATE OF NAGALAND AND 2 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVT. OG NAGALAND,
NGALAND, KOHIMA

2:THE PRINCIPAL DIRECTOR
SCHOOL EDUCATION DEPARTMENT, NAGALAND, KOHIMA

3) THE DEPUTY DIRECTOR,
SCHOOL EDUCATION DEPARTMENT, NAGALAND, KOHIMA

Advocate for the Petitioner : ALEM WAPANG AO

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 30-11-2023

Heard Mr. Alem Wapang, learned counsel for the petitioner and also heard Mr. Ajungli, learned Government Advocate for the State respondents.

In this petition under Article 226 of the Constitution of India, the petitioner has prayed for (i) issuing direction to the respondent authorities to appoint the petitioner in any Grade-III post on compassionate ground in terms of the Office Memorandum No.AR-8/8/78, dated 17.09.2015 issued by the Government of Nagaland, P & AR Department Nagaland, (ii) to direct the respondent authorities to dispose off his representation dated 22.12.2021 (Annexure-D), 19.10.2022 (Annexure-E), 13.12.2022 (Annexure-F) and 18.10.2023 (Annexure-G) for appointment on compassionate ground.

The learned counsel for the petitioner submits that the father of the petitioner was working as Graduate Teacher at GPS Unger, Mokokchung district, under School Education Department and he died in harness on 7.11.2017, leaving behind the petitioner, her mother and her three siblings. As the father of the petitioner was the sole bread earner of the family and in need of financial assistance, having no regular service holder in the family and other source of income, the petitioner had filed 4 representations dated 22.12.2021 (Annexure-D), 19.10.2022 (Annexure-E), 13.12.2022 (Annexure-F) and 18.10.2023 (Annexure-G) to the respondent authorities for appointment on compassionate ground but till date the respon-

dent authorities have not yet considered the same for which the petitioner and his family are suffering a lot.

The learned counsel for the petitioner further submits that this writ petition may be disposed of at the motion stage itself by issuing direction to the respondent authorities to dispose off the representations filed by the petitioner on 22.12.2021, 19.10.2022, 13.12.2022 and 18.10.2023, within stipulated period.

The learned Government Advocate submits that he has no objection in the event of disposing the writ petition in the motion stage itself, as the prayer of the petitioner is based on the Office Memorandum No.AR-8/8/78, dated 17.09.2015.

Having heard the submissions of the learned counsel for both sides, and having perused the petition and the documents placed on record.

It is not in dispute that the father of the petitioner was serving as Graduate Teacher at GPS Unger, Mokokchung district under the School Education Department and that he died in harness on 17.11.2017, leaving behind the petitioner, her mother and three siblings. It is also not in dispute that the petitioner's father was the sole bread earner of the family and after his demise the family of the petitioner has been suffering a lot.

Having considered the above, and also as agreed by learned counsel of both sides, this Court is inclined to dispose of the writ petition in the motion stage itself by directing the respondent authorities to consider and dispose of the representations, dated 22.12.2021, 19.10.2022, 13.12.2022 and

18.10.2023 within a period of one month from today by a speaking order.

The parties shall bear their own cost.

**Sd/-
JUDGE**

Comparing Assistant