

GAHC010014652024



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

Case No. : WA/306/2024

JAYANTA DAS
S/O LT. PRAFULLA CHANDRA DAS, R/O VILL-KALMONI, P.O.-
MADHUKUCHI, P.S.-RANGIA, DIST-KAMRUP, ASSAM, PIN-781354

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION DEPTT. (ELEMENTARY), DISPUR, GUWAHATI-6

2:THE DIRECTOR
ELEMENTARY EDUCATION DEPTT.
KAHILIPARA
GUWAHATI-19

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
KAMRUP ASSAM
AMINGAON 781031

4:THE DEPUTY COMMISSIONER CUM CHAIRMAN
DISTRICT LEVEL COMMITTEE
KAMRUP
AMINGAON-781031
ASSAM

For the appellant : Mr. R.M. Choudhury, Advocate

For the respondents : Mr. R. Mazumdar,
S.C., Elementary Education

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE KARDAK ETE

21-10-2024

(Vijay Bishnoi, C.J.)

This writ appeal is filed by the appellant being aggrieved with the order dated 22.12.2023 passed by the learned Single Judge in WP(C) 7501/2023.

The appellant has approached the Writ Court with the prayer to issue a direction to the respondents to place the application of the appellant before the DLC for proposal of the name of the appellant for providing appointment on compassionate ground on the post of Assistant Teacher or any other equivalent post. The learned Single Judge has dismissed the writ petition filed on behalf of the appellant while observing that the father of the appellant, who worked as Assistant Teacher of Madhukuchi L.P. School, died in harness on 19.04.2009 whereas the application for compassionate appointment was made by the appellant only on 09.07.2013, i.e. much after the timeframe prescribed in the scheme for compassionate appointment.

Learned counsel for the appellant has submitted that the appellant failed to move application within the prescribed time as he was not aware about the said time limit. It is also submitted that the appellant and his family were solely dependent on his father, who died in harness while serving with the government and therefore, the learned Single Judge should have issued a direction to the respondents to place the application filed by him before the DLC for consideration of his case for appointment on compassionate ground.

Having heard the learned counsel for the appellant and after going through the material available on record, we are of the view that the learned

Single Judge has not committed any illegality in dismissing the writ petition while taking into consideration the fact that the appellant has not filed the application within the time prescribed in the scheme for compassionate appointment.

Otherwise also, the appellant is not entitled for appointment on compassionate ground as his father died in the year 2009 and almost 15 years have passed and the appellant and his family have survived till date without government job and as such, in view of the decision of the Hon'ble Supreme Court rendered in the case of *The State of West Bengal vs. Debabrata Tiwari and others*, reported in *2023 2 Supreme 612*, no relief can be granted to the appellant as prayed for in the writ petition.

With these observations, this writ appeal is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant