

GAHC010051202024



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

Case No. : WP(C)/1442/2024

BISWAJIT DAS
S/O- LATE RANJIT KUMAR DAS,
VILL- RANGPUR PART-III,
P.O.- KATLICHERRA,
P.S.- KATLICHERRA,
DISTRICT- HAILAKANDI,
PIN- 788161.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM,
HEALTH AND FAMILY WELFARE DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR
GUWAHATI-06.

3:THE DISTRICT COMMISSIONER
HAILAKANDI CUM CHAIRMAN
DISTRICT LEVEL COMMITTEE FOR COMPASSIONATE APPOINTMENT

DISTRICT- HAILAKANDI
ASSAM.

4:THE EXECUTIVE ENGINEER (PHE)
HAILAKANDI DIVISION
HAILAKANDI

Advocate for the Petitioner : MR M J QUADIR

Advocate for the Respondent : SC, HEALTH

**BEFORE
HONOURABLE MR. JUSTICE K. SEMA**

ORDER

Date : 29-04-2024

Heard Mr. M.J. Quadir, learned counsel for the petitioner and Ms. M. Bhattacharjee, learned Addl. Sr. Government Advocate for the State respondents.

The present petition has been filed by the petitioner for a direction to the State respondents to place the case of the petitioner for compassionate appointment to the Grade-IV post under the Public Health Engineering department (PHE) Hailakandi Division in the next DLC.

The petitioner's father died in harness on 11/06/2016 leaving behind his wife and two unemployed sons. The petitioner being the elder son applied for compassionate appointment by submitting the application dated 12/07/2016 in the prescribed format before the Executive Engineer, (PHE), Hailakandi District seeking for compassionate appointment.

It is the case of the petitioner that he has passed 2 years D. El. Ed (Old) course in the year 2019 and has completed 14 months Diploma in Computer Office Management (DCOM) on 14/08/2019 from IICA (Indian Institute of Career Academy) and therefore, eligible to be appointed to Grade-IV post on compassionate appointment.

The application submitted by the petitioner was placed before the District Level Committee, Hailakandi on 11/02/2022 and the DLC under the Chairmanship of the Deputy Commissioner, Hailakandi examined the application submitted by the petitioner and found the petitioner eligible to be considered for appointment to Grade-IV or equivalent posts.

It is further the case of the petitioner that the vacancy position of all other department

submitted by their respective head of the offices were perused as per the order dated 16/02/2022 passed by this Court in W.P.(C) No. 960/2022 and as per the provision of clause-15 of the Government O.M No. ABP.50/2006/Pt/182 dated 01/06/2015 and it was found that there was no vacancy available in any department as per the petitioner educational qualification and therefore, the petitioner's case was kept pending for consideration in the next DLC.

It is the case of the petitioner that the Executive Engineer, PHE, Hailakandi vide letter dated 21/06/2023⁶ asked the petitioner to appear before the Additional Deputy Commissioner on 22/06/2023 at 2:00 P.M along with all the relevant documents which the petitioner accordingly did but his case has not been considered till date.

It is the case of the petitioner that the rejection of the petitioner's application by the DLC on the ground that no vacancy is available in any department as per the petitioner educational qualification and non consideration of his case in subsequent DLC meeting is illegal and arbitrary.

Mr. M.J. Quadir, the learned counsel for the petitioner submits that the writ petition can be disposed of at the motion stage by giving a direction to the respondents to place the case of the petitioner for appointment on compassionate appointment to the post of Grade-IV under the PHE department Hailakandi Division or any other department in the next DLC meeting.

Ms. M. Bhattacharjee, learned Addl. Sr. Government Advocate, Assam is not averse to the submission made by the learned counsel for the petitioner to place the case of the petitioner for compassionate appointment before the next DLC.

In view of the submissions made by the learned counsel for the parties, the writ petition is disposed at the motion stage by directing the respondents more particularly, the respondent No. 4 i.e. the Executive Engineer, PHE Hailakandi Division, Assam to place the case of the petitioner for compassionate appointment to the post of Grade-IV under the PHE department Hailakandi Division or any other department before the next DLC. Upon receiving the application of the petitioner for compassionate appointment, the DLC shall consider the

case of the petitioner for appointment to Grade-IV on compassionate ground as per the prevailing norms and in accordance with law. Rejection of the application submitted by the petitioner, if any, shall be by a speaking order and shall be furnished to the petitioner without delay.

Writ petition stands disposed.

JUDGE

Comparing Assistant