

GAHC010072752022



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

Case No. : WA/184/2022

HAFIZUR RAHMAN
S/O. LT. SALIM UDDIN, R/O. DALOR PATHAR,
P.O. B.D. PATHAR, DIST. BARPETA, ASSAM, PIN-781318.

VERSUS

1: THE STATE OF ASSAM AND ORS.
REP. BY THE COMM. AND SECY., ELEMENTARY EDUCATION DEPTT.,
DISPUR, GUWAHATI-06.

2: THE DIRECTOR ELEMENTARY EDUCATION
KAHILIPARA GUWAHATI-19.

3: THE DY. COMMISSIONER BARPETA CUM CHAIRMAN DIST. LEVEL
COMMITTEE FOR COMPASSIONATE APPOINTMENT DIST. BARPETA.

4: THE ADDL. DY. COMMISSIONER CUM MEMBER
DIST. LEVEL COMMITTEE BARPETA.

5: THE DIST. ELEMENTARY EDUCATION OFFICER
BARPETA DIST. BARPETA ASSAM-781319

For the Appellant(s) : Mr. I. Alam, Advocate.
Mr. T. Sk., Advocate.

For the Respondent(s) : Mr. N.J. Khataniar, Standing Counsel, Education (Elementary)
Department for respondent Nos.1, 2 & 5.

: Mr. D.K. Sarmah, Additional Senior Govt. Advocate, Assam for
respondent Nos.3 & 4.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

31.07.2024

(Vijay Bishnoi, CJ)

This writ appeal is filed by the appellant being aggrieved by the order dated 16.03.2022 passed by the learned Single Judge in WP(C) No.5393/2020.

The appellant has approached the Writ Court under Article 226 of the Constitution of India with a prayer for setting aside and quashing the decision of the District Level Committee (DLC), Barpeta District dated 07.03.2020, whereby the claim of the appellant seeking appointment on compassionate ground has been rejected for the reasons that no vacancy of Grade-IV post was available to provide appointment to the appellant on compassionate ground. The learned Single Judge has upheld the decision of the DLC while observing that if the 5% vacancies, kept separately for providing appointment on compassionate ground, are not available, no direction can be issued to appoint the appellant 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 there is no illegality in the impugned order dated 16.03.2022 passed by the learned Single Judge.

We are also not inclined to interfere in the matter taking into consideration the fact that the father of the appellant died in harness way back in January, 2014 and as such, 10(ten) years have already passed and the appellant and his family have been able to manage their lives without there being employment offered by the State Government. Hence, at this stage, no such direction for appointment of the appellant on compassionate ground can be issued.

With these observations, this writ appeal stands disposed of.

JUDGE

CHIEF JUSTICE

Mukut

Comparing Assistant