

GAHC010113872024



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

Case No. : I.A.(Civil)/1785/2024

LAKHYAJYOTI NATH
S/O- LT. KULADHAR NATH, R/O- VILL- LAOPHULABORI,
P.O. DIGHALIATI, DIST.- NAGAON, ASSAM

VERSUS

1: THE STATE OF ASSAM AND 3 ORS REP. BY THE COMM. AND SECY., TO
THE GOVT. OF ASSAM, EDUCATION (SECONDARY) DEPTT., DISPUR, GHY-
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2: THE DIRECTOR OF SECONDARY EDUCATION
ASSAM KAHILIPARA GUWAHATI- 19

3: THE DY. COMMISSIONER, NAGAON-CUM-CHAIRMAN OF DISTRICT
LEVEL COMMITTEE FOR COMPASSIONATE APPOINTMENT NAGAON
DIST.- NAGAON ASSAM

4: THE INSPECTOR OF SCHOOLS
NAGAON DISTRICT CIRCLE NAGAON ASSAM

For the Applicant(s) : Mr. B.K. Gogoi, Advocate.
Mr. B. Bishaya, Advocate.

For the Respondent(s) : Ms. A. Das, Standing Counsel, Education (Secondary) Department for
respondent Nos.1, 2 & 4.
: Mrs. R.B. Bora, Junior Government Advocate, Assam for respondent No.3.

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

17.07.2024
(Vijay Bishnoi, CJ)

The matter comes upon for consideration of the instant interlocutory application preferred on behalf of the applicant with a prayer to condone the

delay of 119 days in filling the connected appeal.

On 19.06.2024, this Court has observed that the learned Single Judge has non-suited the applicant on the ground that he has approached the Court with an inordinate delay of 8(eight) years. This Court has also noted that the learned Single Judge, while relying on the decision of the Hon'ble Supreme Court rendered in ***State of West Bengal -Vs- Debabrata Tiwari***, reported in ***(2023) SCC Online SC 219***, has observed that the delay on the part of the applicant in approaching the Court disentitles him for any relief.

On 19.06.2024, the learned counsel for the applicant prays for some time to argue the matter on merits.

However, today the learned counsel for the applicant has failed to satisfy this Court that the delay in approaching the Court seeking compassionate appointment was properly explained by the applicant before the Writ Court. The learned counsel for the applicant has also failed to persuade us to take a different view, as has been taken by the learned Single Judge, while considering the decision of the Hon'ble Supreme Court in ***Debabrata Tiwari*** (supra). The fact remains that the applicant and his family has survived for a long time, i.e. of around 9(nine) years, without there being any employment offered to the applicant by the State Government.

In view of the above, we are of the view that the learned Single Judge has not committed any illegality in dismissing the writ petition filed by the applicant. Hence, the instant interlocutory application as well as the connected writ appeal, which is yet to be numbered, are dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant