

GAHC010118752021



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

Case No. : WP(C)/3931/2021

NABIN HASSAN OZAH
S/O LATE GOHER OZAH
RESIDENT OF VILLAGE AND PO KHANGRA, PS TARABARI, 781305,
BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PUBLIC WORKS DEPARTMENT (ROADS) DISPUR GUWAHATI 781006

2: THE STATE LEVEL COMMITTEE
REPRESENTED BY THE CHIEF SECRETARY
ASSAM
DISPUR
GUWAHATI 781006

3: THE DISTRICT LEVEL COMMITTEE

REPRESENTED BY THE DEPUTY COMMISSIONER
BARPETA
ASSAM
781301

4: THE EXECUTIVE ENGINEER

PUBLIC WORKS DEPARTMENT
RURAL ROADS DIVISION
BARPETA
ASSAM
78100

Advocate for the Petitioner : MR. M A SHEIKH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 13.03.2024

Heard Mr. S. Hoque, learned counsel for the petitioner. Also heard Mr. C. K. S. Baruah, learned Govt. Advocate for the respondent Nos. 2 and 3 and Mr. R. Dhar, learned standing counsel, PWD for the respondent Nos. 1 and 4.

2. The father of the petitioner late Gaher Ali while serving as Regular Muster Roll Worker (Grade-IV) died-in-harness on 20.08.2016. The petitioner thereafter, made a representation on 06.09.2016, for appointment on compassionate grounds. Thereafter, the District Level Committee, Barpeta Division, Barpeta in its meeting held on 18.01.2017, recommended the case of the petitioner for the post of Grade-III (SA), against the single vacant post occurring in the year 2014. The State Level Committee in its meeting held on 31.12.2018, considered the case of the petitioner. However, no recommendation could be made as there was no vacancy for 5% quota for appointment on compassionate grounds.

3. Being aggrieved, petitioner approached this Court by filing WP(C)/2302/2019, which was disposed of by order dated 05.04.2019, remanding the matter to the State Level Committee for reconsideration of appointment of the petitioner for appointment in terms of the recommendation

made by the DLC against any vacancy in any department and thereafter to inform the petitioner by issuing a speaking order. Accordingly, the State Level Committee in its meeting held on 23.12.2019, considered the case of the petitioner, however, his case was rejected on the ground that the petitioner does not possess the required educational qualification for SA post. Being aggrieved by the rejection of the case of the petitioner by the SLC which held its meeting on 23.12.2019, petitioner is before this Court by way of the present writ petition.

4. Mr. C. K. S. Baruah, learned Govt. Advocate fairly submits that the case of the petitioner can be considered to any Grade-IV post commensurate to the educational qualification of the petitioner.

5. After hearing the learned counsel for the parties and on consideration of the materials available on record, this Court is of the considered opinion that the SLC in its meeting held on 23.12.2019, rejected the case of the petitioner as he did not have the prescribed educational qualification for the post of SA. If the petitioner was not eligible for the post of SA due to lack of educational qualification, it was incumbent on the part of the SLC to consider the case of the petitioner to any other posts commensurate to his educational qualification in any department.

In that view of the matter, the case is again remanded back to the SLC for consideration of the case of the petitioner to any to any Grade-III or Grade-IV post commensurate to his education qualification in its next immediate sitting.

6. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant