

GAHC010121392023



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

Case No. : WP(C)/3330/2023

PROBHAT BORAH
SON OF LATE DHARMESWAR BORAD,
VILLAGE- PAHUMARA GAON,
P.O.- RANGACHAHI NIKINIKHOWA,
P.S.- JENGRAIMUKH,
DISTRICT- MAJULI, ASSAM,
PIN- 785104.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
SERICULTURE DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE DIRECTOR OF SERICULTURE
ASSAM
KHANAPARA
GUWAHATI- 781022

DISTRICT- KAMRUP
ASSAM.

3:THE ASSISTANT DIRECTOR OF SERICULTURE
MAJULI
KAMALABARI
DISTRICT- MAJULI

ASSAM
PIN- 785104.

4:THE STATE LEVEL SELECTION COMMITTEE (SLC)
REPRESENTED BY ITS CHAIRMAN-CUM-CHIEF SECRETARY

GOVERNMENT OF ASSAM

DISPUR
GUWAHATI- 781006.

5:THE DEPUTY COMMISSIONER
JORHAT-CUM-CHAIRMAN
DISTRICT LEVEL COMMITTEE (DLC)
JORHAT
ASSAM
PIN- 785001

Advocate for the Petitioner : MR N SARMA

Advocate for the Respondent : SC, SERICULTURE

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 16.02.2024

Heard Mr. N. Sarma, learned counsel for the petitioner.

2. The father of the petitioner late Dharmeswar Borah, while serving as Assistant Manager of Sonariati C.M.G, Majuli under the establishment of the Superintendent of Sericulture Majuli died-in-harness on 05.10.2015. Thereafter, petitioner applied for appointment on compassionate grounds in the prescribed format on 10.11.2015. The District Level Committee, Jorhat in its meeting held on 17.11.2015 recommended the case of the petitioner for appointment on compassionate grounds. Thereafter, the State Level Committee in its meeting held on 11.08.2017 did not recommend the case of the petitioner due to non-availability of post for compassionate grounds against Grade-III post. Being

aggrieved, petitioner is before this Court by way of the present writ petition.

3. On perusal of the materials available on record, it is seen that after the SLC held its meeting on 11.08.2017. The non-recommendation of the case of the petitioner was never informed to the petitioner and it was only after he filed an RTI application that the same was made available to him on 25th of September, 2021.

4. Clause-15 of the Office Memorandum dated 1st of June, 2015 provides that if sufficient vacancies are not available in any particular Office to accommodate the persons in the waiting list for compassionate appointment it is open to the Administrative Department/Office to take up the matter with other Department/Offices of the Government to provide an early appointment on compassionate grounds to those in the waiting list. What this Court has noticed is that the SLC did not invoke Clause-15 of the OM dated 01.06.2015 and simply did not recommend the case of the petitioner on the ground that there was no vacancy.

5. Accordingly, this writ petition is disposed of directing the State Level Committee to reconsider the case of the petitioner in terms of Clause-15 of the Office Memorandum dated 1st June 2015 and thereafter, pass appropriate order(s). Let such consideration be made in the next immediate sitting of the State Level Committee. The outcome of the decision of the SLC shall be communicated to the petitioner thereafter.

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

JUDGE

Comparing Assistant