

GAHC010127372024



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

Case No. : WP(C)/3302/2024

KARISHMA KONWAR
D/O LATE JITEN KONWAR,
RESIDENT OF VILLAGE RATANPUR, HOUSE NO. 108, PO , PS AND DIST.
DHEMAJI, ASSAM 787057

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION (ELEMENTARY) DEPARTMENT, DISPUR
GUWAHATI 781006, ASSAM

2:THE CHIEF SECRETARY CUM CHAIRMAN
GOVT. OF ASSAM
STATE LEVEL COMMITTEE
DISPUR GUWAHATI 06
ASSAM

3:THE DIRECTOR OF ELEMENTARY EDUCATION ASSAM
KAHILIPARA
GUWAHATI 19
ASSAM

4:THE DEPUTY COMMISSIONER

DHEMAJI
ASSAM 787057

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER

DHEMAJI
ASSAM 78705

Advocate for the Petitioner : MR A GOHAIN

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 27.06.2024

Heard Mr. A. Gohain, learned counsel for the petitioner. Also heard Mr. P. N. Sarma, learned standing counsel, Elementary Education Department for the respondent Nos. 1, 3 and 5 and Mr. B. Deuri, learned Govt. Advocate for the respondent Nos. 2 and 4.

2. The father of the petitioner while serving as an Assistant Teacher of Gohaingaon M. V. School in Dhemaji District, died-in-harness on 27.08.2013. Thereafter, the petitioner made an application for appointment on compassionate grounds. The District Level Committee, Dhemaji in its meeting held on 04.06.2015 considered the case of the petitioner and accordingly she was recommended for appointment on compassionate grounds against the post of Upper Primary (ME) Teacher. The State Level Committee thereafter, considered the case of the petitioner on 20.07.2017. However, her case was rejected on the ground that she was under qualified.

3. It is the case of the petitioner that she had obtained her Graduation Degree on 22nd of October, 2014 and she had also submitted her degree certificate while making her application for appointment on compassionate grounds.

Therefore, the State Level committee could not have rejected her case on the ground that she was under qualified.

4. Mr. B. Deuri, learned Govt. Advocate submits that if the petitioner was found to be under qualified for the post of Upper Primary (ME) Teacher, the State Level Committee could have made its recommendation against any other post commensurate to her educational qualification inasmuch as the DLC in its meeting held on 04.06.2015 had already recommended the case of the petitioner.

5. After hearing the learned counsel for the parties, this writ petition is disposed of by remanding the matter back to the State Level Committee to reconsider the case of the petitioner. If the petitioner is found to be qualified in terms of the DLC recommendation in its meeting held on 04.06.2015, the State Level Committee shall take appropriate decision. In the event, if the petitioner is found to be not qualified in terms of the recommendation made by the DLC, the State Level Committee shall consider the case of the petitioner to any other post commensurate to her educational qualification. The State Level Committee shall consider the case of the petitioner in terms of the directions passed here in above in its next immediate sitting.

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

JUDGE

Comparing Assistant