

GAHC010139482021



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

Case No. : WP(C)/4820/2021

MITHUN PEGU
S/O LT. BOLIN PEGU, VILL. MOWAMARI GAON, P.O MOWAMARI, DIST.
JORHAT, ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE SECY. TO THE GOVT. OF ASSAM, EDUCATION
(ELEMENTARY) DEPTT., DISPUR, GUWHATI 781006

2:THE STATE LEVEL COMMITTEE FOR COMPASSIONATE APPOINTMENT

REPRESENTED BY THE CHIEF SECY. TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI 781006

3:THE DIRECTOR

ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI 19

4:THE DIST. LEVEL COMMITTEE FOR COMPASSIONATE APPOINTMENT
JORHAT DIST.
REPRESENTED BY THE DEPUTY COMMSSIONER JORHAT
ASSAM.

5:THE DIST. LEVEL COMMITTEE FOR COMPASSIONATE APPOINTMENT
MAJULI DIST.
REPRESENTED BY THE DEPUTY COMMISSIONER
MAJULI ASSAM.

6:THE DIST. ELEMENTARY EDUCATION OFFICER
JORHAT ASSAM.

7:THE DEPUTY INSPECTOR OF SCHOOLS
MAJULI
MAJULI ASSAM

Advocate for the Petitioner : MR J PAYENG
Advocate for the Respondent : SC, EDU

BEFORE

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

11.01.2024

Heard Ms. A. Payeng, learned counsel for the petitioner and Mr. B. Deuri, learned Junior Government Advocate, Assam, appearing for the respondent Nos.2, 4 and 5.

The father of the petitioner Late Bolin Pegu died-in-harness while working as Headmaster of Kapahtali Kangkan Chapori L.P. School on 27.05.2014. The application made by the petitioner pursuant to the death of his father praying for appointment on compassionate ground was considered by the jurisdictional District Level Committee ('DLC' for short) in its meeting held on 17.11.2015 and therein on consideration of the case of the petitioner, he was recommended for appointment as Assistant Teacher of Upper Primary school. The said recommendation of the petitioner was placed before the State Level Committee ('SLC' for short). However, the SLC ignoring the vacancy position as identified by the DLC, proceeded to reject the case of the petitioner on the ground of lack of vacancy. The SLC has not assigned any reason as to why the vacancy identified by the DLC while recommending the case of the petitioner in its meeting held on 17.11.2015, was not considered.

In view of the above, this matter stands remanded back to the SLC for a fresh consideration by taking into account the vacancy against which the case of the petitioner was recommended by the DLC in its meeting held on 17.11.2015. The Secretary to the Government of Assam, Department of School Education shall place the case of the petitioner again before the SLC along with a certified copy of this order. The Secretary to the Government of Assam, Department of School Education shall also apprise the SLC the decision arrived at by the DLC in its meeting held on 17.11.2015 in recommending the case of the petitioner for appointment on compassionate ground against the identified vacancy of Assistant Teacher in Upper Primary School.

To facilitate the said exercise, the petitioner shall submit a certified copy of this order along with a representation praying for his appointment on compassionate ground before the Secretary to the Government of Assam, Department of School Education. The petitioner shall also annex the minutes of the DLC meeting held on 17.11.2015 with the said representation.

The SLC shall consider the case of the petitioner in its next sitting after placing the case of the petitioner by the Secretary to the Government of Assam, Department of School Education as directed above.

With the above observation and directions, this writ petition stands disposed of.

JUDGE

Comparing Assistant