

GAHC010140232023



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

Case No. : WA/410/2023

ABUL KALAM AZAD
S/O LATE KADER ALI, RESIDENT OF OUMURA, PO BHOGERPAR,PS AND
DIST BARPETA, ASSAM 781309

VERSUS

THE STATE OF ASSAM AND 4 ORS. B
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DEPT. OF EDUCATION, DISPUR, GUWAHATI-6

2:THE INSPECTOR OF SCHOOLS
BARPETA
DIST-BARPETA
ASSAM
PIN-781314

3:THE DIRECTOR
OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
ASSAM
PIN-781019

4:THE HEADMASTER
OF GOC
JANATA HIGH SCHOOL
GELABIL
BARPETA
ASSAM
PIN-781302

5:THE DEPUTY COMMISSIONER

BARPETA
ASSA

For the Appellant : Mr. H. Bhuyan, Advocate
For the Respondents : Mr. N. Das, GA, Assam
Ms. K. Das, Advocate

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 05-08-2024

(Vijay Bishnoi, CJ)

This writ appeal is filed by the appellant being aggrieved with the order dated 29-03-2023 passed by the learned Single Judge in W.P.(C) No. 1712/2023, whereby the writ petition filed by the appellant with a prayer to direct the respondent to provide appointment to the petitioner on compassionate ground.

The learned Single Judge has observed that in the earlier writ petition preferred by the petitioner, this Court while disposing the said writ petition has directed the respondents to consider the case of the appellant for providing him appointment on compassionate ground as per Clause 15 of the Office Memorandum. It is further observed that the concerned authorities has taken into consideration the case of the appellant and found that he has not moved the application within the prescribed period of one year and therefore, the same is liable to be dismissed. The learned Single Judge has observed that as the appellant has not applied for compassionate appointment within the stipulated

time, the decision of the authority concerned of rejecting his application is not liable to be interfered with.

The learned counsel for the appellant has argued at length to justify that there was no delay on the part of the appellant because the first application filed by him was within the limitation period.

Be that as it may, it is not in dispute that the father of the appellant died in harness way back in the year 2016.

The object of scheme of giving appointment on compassionate ground is to give immediate relief to the family members of the deceased employee who are facing financial crisis. However, in the present case, the father of the appellant died in the year 2016 and the appellant and his family members have survived till this date, i.e. for eight years, without any offer of employment by the State Government and in such circumstances, it can be presumed that the appellant and his family have already overcome the financial crisis.

Under such circumstances, we are not inclined to interfere in this case. Hence, this writ appeal is dismissed.

JUDGE

CHIEF JUSTICE

GS

Comparing Assistant