

GAHC010152892024



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

Case No. : WP(C)/3904/2024

TRIDIP RANJAN MAULIK
S/O- LATE KANAN BALA MANDAL, VILL.- PATALI ATI, P.O. BHARIDHOWA,
DIST. NAGAON, ASSAM, PIN- 782120.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, ELEMENTARY EDUCATION DEPARTMENT, DISPUR,
GUWAHATI-6.

2:THE DIRECTOR
ELEMENTARY EDUCATION DEPARTMENT
ASSAM
KAHILIPARA
GUWAHATI-19.

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
NAGAON
P.O.
P.S. AND DIST. NAGAON
ASSAM

4:THE CHAIRMAN
DISTRICT LEVEL COMMITTEE
(FOR COMPASSIONATE APPOINTMENT) NAGAON REPRESENTED BY THE
DEPUTY COMMISSIONER
NAGAON
P.O. AND DIST. NAGAON
ASSA

Advocate for the Petitioner : MR. Z HAMMAD,

Advocate for the Respondent : GA, ASSAM, SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 24.09.2024

Heard Mr. Z. Hammad, learned counsel for the petitioner. Also heard Ms. S. Chutia, learned standing counsel, Elementary Education Department for the respondent Nos. 1 to 3 and Mr. G. Pegu, learned Govt. Advocate for the respondent No.4.

The mother of the petitioner late Kanan Bala Mondal while serving as Assistant Teacher, 1 No. Pataliati L.P. School in the district of Nagaon, died-in-harness on 18.07.2015. Thereafter, the petitioner made an application for appointment on compassionate ground on 18.08.2015. The District Level Committee in its meeting held on 14.12.2016 considered the case of the petitioner. However, his case was not recommended due to want of vacancy. The District Level Committee, Nagaon again considered the case of the petitioner in its meeting held on 15.05.2017. However, his case could not be recommended due to want of adequate vacancy. Being aggrieved, petitioner is before this Court by way of the present writ petition.

Clause-15 of the O.M dated 1st of June, 2015, issued by the Department of Personnel (B) 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/Offices to take up the matter with other Departments/Offices of the Government to

provide an early appointment on compassionate grounds to those in the waiting list.

A perusal of the meeting minutes dated 14.12.2016 and 15.05.2017 of the District Level Committee, Nagaon clearly indicates that the Committee failed to apply Clause-15 of the O.M dated 01.06.2015 while considering the case of the petitioner.

Accordingly, the matter is remanded back to the concerned DLC to reconsider the case of the petitioner in terms of Clause-15 of the O.M dated 01.06.2015 in its next immediate sitting.

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

JUDGE

Comparing Assistant