

GAHC010163752024



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

Case No. : WP(C)/4116/2024

RAHUL KALITA

S/O- LATE MAHADEB CHANDRA DAS, VILL- DHARAPUR, P.O. DHARAPUR
(AZARA), DIST- KAMRUP (M), ASSAM, PIN- 781017

VERSUS

THE STATE LEVEL COMMITTEE AND 4 ORS
REPRESENTED BY ITS CHAIRMAN, CHIEF SECRETARY, GOVT. OF ASSAM,
DISPUR, GHY-6

2:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM
SCHOOL EDUCATION (ELEMENTARY) DEPARTMENT
DISPUR
GHY-6

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY-19

4:THE DISTRICT COMMISSIONER
KAMRUP (M)
P.O. HENGRABARI
DISTRICT- KAMRUP (M)
ASSAM
PIN- 781036

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
KAMRUP (M)
P.O. REHABARI DISTRICT- KAMRUP (M)
ASSAM
PIN- 78100

Advocate for the Petitioner : MR. N HOSSAIN, MR N SARMA

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

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR
O R D E R

16.08.2024

Heard Mr. N. Sharma, learned counsel for the petitioner. Also heard Mr. P. Saikia, learned Government Advocate, Assam for respondent Nos.1 and 4 and Ms. S. Chutia, learned Standing Counsel, Elementary Education Department, Government of Assam, for respondent Nos.2, 3 and 5.

2. The father of the petitioner, late Mahadeb Chandra Das, while serving as Assistant Teacher of Mainakhorong MV School under the administrative jurisdiction of District Elementary Education Officer, Kamrup (M), died in harness on 04.01.2027. Thereafter, the petitioner made his application for appointment on compassionate grounds on 31.01.2017. The District Level Committee, in its meeting held on 10.08.2021, recommended the case of the petitioner for the post of Grade-III (Assistant Teacher). However, the State Level Committee, in its meeting held on 22.01.2022, rejected the case of the petitioner on the ground of non-availability of NCTE norms and that the petitioner does not come under the purview of the Office Memorandum, dated 02.06.2017, and his application was made after 12.04.2017.

3. Learned counsel for the petitioner submits that the State Level Committee minutes, dated 22.01.2022, was never furnished to the petitioner and he came to know about it on 30.07.2024 through some recommended candidates in Kamrup (M) district.

4. On a perusal of the minutes of the SLC, which held its meeting on 22.01.2022, it appears that the case of the petitioner was rejected as he did not have the NCTE norms and he does not come under the purview of the Office Memorandum, dated 02.06.2017, and that the application of the petitioner was made after 12.04.2017. However, on a perusal of the records, it appears that the petitioner made his application on 31.01.2017. Further, if the petitioner was not eligible for being appointed as an Assistant Teacher as recommended by the District Level Committee, the State Level Committee could have adjusted the petitioner to any vacant post commensurate to his educational qualifications against any compassionate appointment vacancy for the year 2021.

5. Accordingly, the minutes of the State Level Committee, which held its meeting on 22.01.2022, is set aside and quashed in so far as it concerns the petitioner. The matter is remanded back to the State Level Committee to have a reconsideration of the case of the petitioner and, thereafter, pass appropriate orders. If the State Level Committee finds that the petitioner does not possess the requisite qualifications to hold the post of Assistant Teacher, the petitioner may be accommodated to any post commensurate to his educational qualifications against the compassionate appointment vacancy for the year 2021.

6. Let such consideration be made in the next immediate sitting of the State Level Committee.

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

JUDGE

Comparing Assistant