

GAHC010164762024



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

Case No. : WP(C)/4196/2024

ANISUR RAHMAN SK
S/O- LATE ASIM UDDIN SK.,
VILLAGE- KAMANDANGA KUTI,
P.O.- KAMANDANGA AND P.S.- TAMARHAT,
IN THE DISTRICT OF DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS
TO BE REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION,
DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.

3:THE STATE LEVEL COMMITTEE
ASSAM
TO BE REPRESENTED BY ITS CHAIRMAN-CUM- THE CHIEF SECRETARY
TO THE GOVERNMENT OF ASSAM

DISPUR
GUWAHATI-6

Advocate for the Petitioner : DR. B AHMED, MS. H SARMA,MR A U AHMED

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

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

21.08.2024

O R D E R

Heard Mr. A.U. Ahmed, learned counsel for the petitioner. Also heard Mr. U. Sharma, learned Standing Counsel, Elementary Education Department, Government of Assam, for respondent Nos.1 and 2 and Mr. G. Pegu, learned Government Advocate, Assam, for respondent No.3.

2. The father of the petitioner, late Asim Uddin Sk, while serving as a Grade-IV employee at Kachari Gaon M.E. Madrassa in the district of Dhubri, died in harness on 11.12.2016. Thereafter, the petitioner submitted an application for appointment on compassionate grounds on 02.03.2017. The said application of the petitioner was forwarded by the Block Elementary Education Officer, Agomoni to the District Elementary Education Officer, Dhubri by Communication dated 06.03.2017. The District Level Committee, Dhubri in its meeting held on 22.09.2021 rejected the case of the petitioner on the ground that the application was made after 14 years after the death of the deceased employee.

3. Being aggrieved, the petitioner approached this Court by filing WP(C) No.3711/2022, which was disposed of by an Order dated 06.06.2022 remanding the matter back to the District Level Committee, Dhubri for a fresh consideration of the claim of the petitioner as per law by taking note of the Communication dated 06.03.2017 of the Block Elementary Education Officer, Agomoni that the application for compassionate appointment is dated 02.03.2017.

4. Thereafter, the District Level Committee, Dhubri, in its meeting held on 05.08.2023 considered the case of the petitioner and recommended for

appointment to the post of Assistant Teacher (LP School) due to the availability of 5% vacancy on compassionate grounds and fulfillment of requisite criteria of educational qualifications.

5. The grievance of the petitioner before this Court is that despite recommendations made by the DLC on 05.08.2023, the State Level Committee is yet to consider the case of the petitioner.

6. Considering the short issue involved, this writ petition is disposed of directing the State Level Committee to consider the case of the petitioner in terms of the recommendations made by the District Level Committee in its meeting held on 05.08.2023 in its next immediate sitting. However, if the State Level Committee has already considered the case of the petitioner, then the outcome of such consideration shall be communicated to the petitioner forthwith.

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

JUDGE

Comparing Assistant