

GAHC010172462024



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

Case No. : WP(C)/4445/2024

HIMANI DAS
DAUGHTER OF LATE KUNJA BIHARI DAS, RESIDENT OF VILLAGE-
CHAPLAI PT-I, P.O. DHUPDHARA, P.S. DHUPDHARA, DISTRICT-
GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY, GOVT. OF ASSAM, CUM THE
CHAIRMAN OF STATE LEVEL SELECTION COMMITTEE FOR
COMPASSIONATE APPOINTMENT, DISPUR, GUWAHATI-6

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

3:THE CHAIRMAN OF DISTRICT LEVEL COMMITTEE CUM THE DISTRICT
COMMISSIONER
GOALPARA
DIST.- GOALPARA
ASSAM

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER CUM MEMBER
SECRETARY
DISTRICT LEVEL SELECTION COMMITTEE
GOALPARA
ASSAM

5:THE DEPUTY INSPECTOR OF SCHOOLS
GOALPARA

DISTRICT- GOALPARA
ASSA

Advocate for the Petitioner : MR. M U MAHMUD, MR. M ALI,MR S ISLAM,MR J. E. SARKAR,MR J. ISLAM

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

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 06.09.2024

Heard Mr. M.U. Mahmud, learned counsel for the petitioner.

2. Also heard Mr. P. Saikia, learned Government Advocate, for respondent Nos. 1 & 3 and Ms. S. Chutia, learned Standing counsel, Elementary Education Department, for respondent Nos. 2, 4 & 5.

3. The case of the petitioner is that her father Late Kunj Bihari Das, while serving as Head Teacher at Bimanpara L.P. School, Dhupdhara, Goalpara, died in harness on 07.01.1975. After the death of her father, the whole family fell in stress and in order to get rid of the said situation, the petitioner made an application before the Director of Elementary Education, Assam. The said application of the petitioner was forwarded by the Deputy Inspector of Schools, Goalpara by a Communication dated 03.08.1996 to the Director of Elementary Education, Assam.

4. The grievance of the petitioner is that despite her case being forwarded to the Director of Elementary Education, Assam on 03.08.1996, her case is yet to be considered by the District Level Committee till date.

5. This Court has considered all the materials available on record.

6. The learned counsel for the petitioner is also unable to produce the

application made by the petitioner for compassionate appointment as claimed by her.

7. Considering the Forwarding Letter dated 03.08.1996, what can be presumed by this Court is that the petitioner made her application only in the year 1996, i.e. after a lapse of more than 20 years after the death of her father. Further, after the Deputy Inspector of Schools, Goalpara forwarded the application to the Director of Elementary Education, Assam on 03.08.1996, the petitioner has been keeping silent and only today, the petitioner is before this Court by way of the present writ petition praying for a direction to the respondents to place the case of the petitioner before the concerned District Level Committee.

8. Therefore, this Court is of the considered opinion that the immediacy of compassionate appointment is not present in this writ petition inasmuch as the petitioner as well as her family has been able to survive from the year 1975 onwards till date.

9. Accordingly, I find no merit in the present writ petition and the same is, accordingly, dismissed.

JUDGE

Comparing Assistant