

GAHC010200232024



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

Case No. : WP(C)/5064/2024

AKBAL HUSSAIN LASKAR AND 2 ORS
S/O- LATE ILIAS ALI LASKAR, VILLAGE- BORBOND-I, P.O. BORBOND-I,
DIST.- HAILAKANDI, ASSAM

2: AZAD RAHMAN LASKAR
S/O- LATE NAZRUL HOQUE LASKAR
VILLAGE- BORJURAI
P.O.- BOALIPAR BAZAR
P.S. AND DIST.- HAILAKANDI
ASSAM

3: JAKARIA IMRAN CHOUDHURY
S/O- LATE ALA UDDIN CHOUDHURY
VILLAGE- RONGPUR NORTH
P.O. RONGPUR NORTH
P.S. AND DISTRICT- HAILAKANDI
ASSA

VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF ASSAM, EDUCATION (ELEMENTARY) DEPARTMENT, DISPUR,
GUWAHATI-6

2: THE STATE LEVEL COMMITTEE
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-6

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

4:THE DISTRICT LEVEL COMMITTEE
HAILAKANDI (FOR COMPASSIONATE APPOINTMENT) REPRESENTED BY
ITS CHAIRMAN/DEPUTY COMMISSIONER
HAILAKANDI
P.O. P.S. AND DISTRICT- HAILAKANDI
ASSAM

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
CACHAR
P.O. AND DISTRICT- CACHAR
ASSA

Advocate for the Petitioner : MR. A M BARBHUIYA, MS S R MAZARBHUIYA,MS A
BEGUM,S. M. ZINNA

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

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

O R D E R

30.09.2024

Heard Mr. A. M. Barbhuyan, learned counsel appearing for the petitioners and Mr. S. Deori, learned Standing counsel Elementary Education Department appearing for respondent Nos. 1, 3 and 5, and Ms. D. Das Barman, learned Government Advocate, Assam, appearing for the respondent Nos. 2 and 4.

2. The petitioners contended that the District Level Committee (DLC) for compassionate appointment, district - Hailakandi in its meeting held on 19.09.2023, recommended the name of the petitioner No. 1 against a Grade-IV post under the Inspector of Schools, Hailakandi District Circle, Hailakandi, whereas that of the petitioner Nos. 2 and 3 for the posts of Assistant Teachers under the Die-in-Harness Scheme in the Lower Primary

Schools in Hailakandi District.

3. Since the matter was pending before the State Level Committee (SLC) for compassionate appointment for long, the petitioners have preferred this writ petition for consideration of their case under the Die-in-Harness Scheme.

4. In the meanwhile, the State Government in its Personnel (B) Department issued an Office Memorandum on 18.09.2024 holding that, cases for compassionate appointment on compassionate ground, to the family members of the State Government, who died in harness prior to 31.03.2017, shall not be entertained.

5. Hence, Mr. A. M. Barbhuyan, learned counsel appearing for the petitioners on their instructions, is not pressing this writ petition at this stage, as they want to challenge the said decision of the State Government, to which the learned counsels for the respondents have no objection.

7. Accordingly this writ petition stands dismissed, being not pressed.

8. Liberty as prayed for so granted to the petitioners, for any such fresh cause of action.

JUDGE

Comparing Assistant