

GAHC010230512018



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

Case No. : WP(C)/7797/2018

BHANTI DUTTA KAKATI
W/O- LATE MAHENDRA KAKATI, R/O- AMTOLA GOPALPUR,
P.S- PANIGAON, DIST- LAKHIMPUR, PIN- 787052

VERSUS

1: THE STATE OF ASSAM AND 4 ORS REP. BY THE CHIEF SECRETARY TO
THE GOVT OF ASSAM, DISPUR, GUWAHATI- 781006

2: THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
ELEMENTARY EDUCATION DEPTT DISPUR GUWAHATI PIN- 781006

3: THE DEPUTY COMMISSIONER CUM CHAIRMAN DISTRICT LEVEL
COMMITTEE LAKHIMPUR DIST- LAKHIMPUR ASSAM PIN- 787001

4: THE DISTRICT ELEMENTARY EDUCATION OFFICER
LAKHIMPUR DIST- LAKHIMPUR ASSAM PIN- 787001

5: THE BLOCK ELEMENTARY EDUCATION OFFICER NOWBOICHA
ELEMENTARY EDUCATION BLOCK P.S- BIHPURIA DIST- LAKHIMPUR
ASSAM PIN- 78416

Advocate for the Petitioner : MS. S G BARUAH

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 01-02-2024

Heard Mr. B. Borgohain, learned counsel for the petitioner. Also heard
Ms. D.D. Barman, learned Additional Senior Government Advocate, Assam,

representing the respondent Nos.1 & 3 and Ms. N. Phukan, learned standing counsel, Education (Elementary) Department, representing the respondent Nos.2, 4 & 5.

The petitioner, by way of instituting the present proceeding, has raised a grievance with regard to non-consideration of her case for appointment on compassionate ground pursuant to the death of her husband.

The husband of the petitioner Late Mahendra Kakati, while serving as a LDA in Amtala Dambukial Kharkati (ADK) High School under Nowboicha Elementary Education Block, Lakhimpur, had died in harness on 19.12.2015. Thereafter, the petitioner had applied for appointment on compassionate ground on 10.06.2016.

It is the projected case of the petitioner in the writ petition that her application for appointment on compassionate ground was not being considered by the constituted Bodies and accordingly, she and her family members are suffering.

In terms of the orders passed by this Court, Ms. D.D. Barman, learned Additional Senior Government, Assam, has placed before this Court the instruction received from the Office of the Deputy Commissioner, Lakhimpur, North Lakhimpur and in terms of the said instruction, which is accompanied by the minutes of the meeting of the District Level Committee, reflects that the case of the petitioner was considered by the District Level Committee in its meetings held on 24.02.2017; 16.02.2018 and 04.07.2018 and finally in the meeting held on 04.07.2018, the case of the petitioner came to be rejected for want of vacancy within the 5% quota and also on the ground of lapse of 2(two) years from the date of submission of the said application holding the application to have spent its force.

I have considered the materials available on record and find that the case of the petitioner was duly considered by the respondent authorities and it was only on account of non-availability of vacancies in Grade-IV post, the case of the petitioner could not be recommended for appointment on compassionate ground.

In the said view of the matter, the authorities having duly considered the case of the petitioner, no illegality has been caused in not appointing the petitioner on compassionate ground and accordingly, the writ petition stands dismissed. However, there shall be no order as to cost.

JUDGE

Comparing Assistant