

GAHC010233722023



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

Case No. : WP(C)/6230/2023

CHITTARANJAN BURAGOHAIN
S/O- LATE KHAGEN BURAGOHAIN,
R/O- VILLAGE- RONGPURIA,
P.O. AND P.S.- SIMEN CHAPORI,
DISTRICT- DHEMAJI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GUWAHATI-6.

2:THE SECRETARY TO THE GOVT. OF ASSAM
EDUCATION (ELEMENTARY) DEPARTMENT
DISPUR GUWAHATI-6.

3:THE DISTRICT LEVEL COMMITTEE (DLC)
REPRESENTED BY ITS CHAIRMAN CUM DEPUTY COMMISSIONER
DHEMAJI P.O. AND DIST.- DHEMAJI
ASSAM PIN- 787057.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DHEMAJI DISTRICT DHEMAJI
P.O. AND DIST.- DHEMAJI
ASSAM PIN- 787057.

5:THE DEPUTY INSPECTOR OF SCHOOLS
DHEMAJI P.O. AND DISTRICT- DHEMAJI
ASSAM PIN- 787057

Advocate for the Petitioner : MR. D BHUYAN
Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 08.01.2024

Heard Mr. D. Bhuyan, learned counsel for the petitioner. Also heard Mr. G. Pegu, learned Senior Govt. Advocate, appearing on behalf of respondents No. 1 & 3; and Ms. Dimpi Musahary, learned standing counsel, Elementary Education Department, appearing on behalf of respondents No. 2, 4 & 5.

The petitioner by way of instituting the present proceeding, has assailed the non-consideration of his case for appointment on compassionate ground. The father of the petitioner Late Khagen Buragohain while serving as the Head Teacher of Milan Primary School, died in harness on 26.09.1998. The petitioner, thereafter, on 16.02.1999, had submitted his application for the first time. The said application was purportedly not placed before the District Level Committee till date. The petitioner thereafter again submitted his applications on 25.05.2007 and 26.09.2012. Further, Hon'ble Apex Court in its decision rendered in the case of State of W.B. v. Debabrata Tiwari & ors.[reported in (2023) SCC Online SC 219], has held that the appointment on compassionate ground, cannot be considered after a long lapse of time. Further, in the present proceeding, there is nothing brought on record to show that the petitioner or his family members were diligently following the case for compassionate appointment to one of the dependents of the government servant involved.

Posed with the said facts as well as the legal position, Mr. Bhuyan, learned counsel for the petitioner, prays that he may be permitted to withdraw the present writ petition.

Prayer is accepted.

The writ petition accordingly stands dismissed on withdrawal.

JUDGE

Comparing Assistant