

GAHC010255582023



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

Case No. : WA/17/2024

CHANDRAKEKHA MORANG
D/O LATE HITESH MORANG, RESIDENT OF VILLAGE BAMUNDOLONI, PO
POHUMARA, PS NORTH LAKHIMPUR, DIST. LAKHIMPUR, ASSAM, 787031

VERSUS

THE STATE OF ASSAM AND 4 ORS B
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, STATE LEVEL
SELECTION COMMITTEE ON COMPASSIONATE GROUND, DISPUR,
GUWAHATI-781006.

2:THE COMMISSIONER AND SECY.
TO THE GOVT. OF ASSAM
EDUCATION (ELEMENTARY) DEPT.
DISPUR
GUWAHATI-781006.

3:THE DIRECTOR OF ELEMENTARY EDUCATION
KAHILIPARA
ASSAM
PIN-781019.

4:THE DEPUTY COMMISSIONER CUM CHAIRMAN
DIST. LEVEL SELECTION COMMITTEE ON COMPASSIONATE GROUND
LAKHIMPUR, ASSAM
PIN-787001.

5:THE DIST. ELEMENTARY EDUCATION OFFICE
LAKHIMPUR
NORTH LAKHIMPUR
PIN-787001

Advocate for the Petitioner : MR. D BHUYAN
Advocate for the Respondent : SC, ELEM. EDU

Linked Case : I.A.(Civil)/3389/2023

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Advocate for : MR. D BHUYAN
Advocate for : SC
ELEM. EDU appearing for THE STATE OF ASSAM AND 4 ORS

BEFORE
HON'BLE THE CHIEF JUSTICE (ACTING) MR. LANUSUNGKUM JAMIR
HON'BLE MR. JUSTICE KARDAK ETE

:: O R D E R ::

22-01-2024

(Chief Justice (Acting))

Heard Mr. M. Sarma, learned counsel for the appellant. Also heard Mr. N. Das, learned Government Advocate appearing for respondent Nos. 1 and 4 as well as Mr. R. Mazumdar, learned standing counsel, School Education Department, for respondent Nos. 2, 3 and 5.

The case of the appellant in brief is that her father, namely, Late Hitesh Morang died-in-harness on 17-06-2003 while serving as Assistant Teacher at Bamundoloni M.E. School. The appellant, in the same year, i.e., in 2003, applied for appointment on compassionate ground in the prescribed format before the competent authority. The application of the petitioner was forwarded to the competent authority by letter dated 18-04-2005 and in the said list; her name appeared at Sl. No. 31. The appellant contends that her application was not considered till 10-04-2012 and the Deputy Commissioner, Lakhimpur, by letter dated 07-04-2012, addressed to the District Elementary Education Officer, Lakhimpur, requested to submit a list of applicants who had applied for appointment on compassionate ground for last five years. Consequently, by letter dated 10-04-2012, the District Elementary Education Officer, Lakhimpur, submitted the list of applicants for appointment on compassionate ground to the Deputy Commissioner, Lakhimpur, wherein the name of the appellant appeared

at Sl. No. 70.

As the case of the appellant was not considered for considerable period of time, she approached this Court by filing WP(C) No. 7917/2022, which was disposed of by order dated 21-04-2023, holding in the light of the decision rendered in **Achyut Ranjan Das & Ors. vs. State of Assam and Ors**, reported in **2006(4) GLT 674**, that the petitioner has approached this Court after 19 years for enforcement of her right to claim appointment on compassionate ground. Accordingly, in view of the inordinate delay in approaching the Court, the writ petition was dismissed.

Being aggrieved, the present writ appeal has been filed.

The learned counsel for the appellant submits that the appellant, at least, has the right to be intimated as to whether her case was considered in 2003 for appointment on compassionate ground by the concerned District Level Committee (DLC). He submits that in terms of Clause 24(a) of the Office Memorandum dated 01-06-2015, issued by the Department of Personnel:Personnel (B), Government of Assam, the appellant has a right to be considered for appointment on compassionate ground and also has a right to know as to whether his case was considered.

After hearing the learned counsel for the parties, we find that the appellant had made her application as early as in 2003 for appointment on compassionate ground. Thereafter, no step was taken by the appellant with regard to the status as to whether her case was considered by the concerned DLC or not. It is only in the year 2022 that she approached the learned single Judge by way of filing WP(C) No. 7917/2022, which was rejected on the ground of delay.

Coming to the submission of the learned counsel for the appellant that the

appellant has right to know as to whether her case was considered in the year 2003 and 2005, we are of the considered opinion that 2003 or 2005 would not make any difference inasmuch as there is already an inordinate delay on the part of the appellant in taking appropriate steps for adjudicating her right before the competent authority. In that view of the matter, we are of the considered opinion that there is no merit in the present appeal and the same is accordingly dismissed.

No costs.

JUDGE

CHIEF JUSTICE (ACTING)

Comparing Assistant