

GAHC010271332023



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

Case No. : WA/457/2023

PRASANNA RABHA
S/O- LATE RANJIT RABHA, VILL- LAKHIPUR, P.O. TELEM, DIST.- DHEMAJI
(ASSAM), PIN- 787061.

VERSUS

THE STATE OF ASSAM AND 3 ORS. A
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GHY-6.

2:THE SECRETARY TO THE GOVT. OF ASSAM
SCHOOL 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
DHEMAJI
P.O. AND DIST.- DHEMAJI

ASSAM
PIN- 787057

For the Appellant : Mr. D. Bhuyan, Advocate.

For the Respondent(s) : Ms. N. Das, Govt. Advocate, Assam
(Respondent Nos. 1 and 3)

: Mr. R. Mazumdar, Standing Counsel,
Department of School Education.

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE KARDAK ETE

19.07.2024

(Vijay Bishnoi, CJ)

This writ appeal is filed by the appellant being aggrieved with the order dated 02.06.2023 passed by the learned Single Judge in WP(C) No. 3145/2023, whereby the writ petition filed by the appellant seeking compassionate appointment, has been dismissed by the learned Single Judge on the ground that the appellant has approached the authorities concerned seeking compassionate appointment with a great delay.

The learned Single Judge has taken into consideration that the father of the petitioner, who was serving as the Head Teacher in the Kemere L. P. School in the direct of Dhemaji, died in harness on 27.09.2009. However, the appellant has moved an application seeking compassionate appointment only in the year, 2017, i.e. after a long delay of 8(eight) years.

After observing this, the learned Single Judge has held that the objective of the scheme of compassionate appointment is to grant immediate relief to the

family concerned and, therefore, the 8(eight) years delay on the part of the appellant in approaching the respondents for compassionate appointment is not inconsonance with the scheme. Hence, no interference is called for.

The learned counsel for the appellant, after arguing the matter for quite some time, has failed to persuade this Court to take a different view, as has been taken by the learned Single Judge. Hence, this Court finds no merit in this appeal.

Accordingly, this writ appeal stands dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant