GAHC010011982018

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

**Case No. : WP(C)/423/2018**

MWDWMFRU BRAHMA
S/O LT. AMAL CH. BRAHMA
R/O VILL- NEPALPARA
P.O. SERFANGURI
P.S. SERFANGURI
DIST. KOKRAJHAR, BTAD, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOV.T OF ASSAM,
PWD, DISPUR, GUWAHATI-

2:DISTRICT LEVEL SELECTION COMMITTEE
FOR APPOINTMENT ON COMPASSIONATE GROUND
REP. BY ITS CHAIRMAN
DEPUTY COMMISSIONER
KAMRUP METROPOLITAN DISTRICT.

3:THE DEPUTY COMMISSIONER

KAMRUP METROPOLITAN DISTRICT
GUWAHATI-1.

4:THE DIRECTOR

ASSAM ROAD RESEARCH AND TRAINING INSTITUTE
PUBLIC WORKS DEPARTMENT ROAD
FATASHIL AMBARI
GUWAHATI-25.

5:SHRI DIPANKAR BORA

S/O NOT KNOWN
ADDRESS ASSAM ROAD RESEARCH AND TRAINING INSTITUTE
PWD
FATASHIL AMBARI
GUWAHATI-25

**Advocate for the Petitioner** : MR. T DEURI

**Advocate for the Respondent** : GA, ASSAM

**BEFORE**
**HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**Date : 10.12.2020**

Heard Mr. T. Deuri, learned counsel for the petitioner as well as Ms. M.D. Borah, learned Govt. Advocate appearing for respondent nos.1, 2 and 3. There is no representation from respondent nos.4 and 5.

By filing this writ petition filed under Article 226 of the Constitution of India, the case projected by the petitioner is that his father had died on 06.08.2016 while discharging his duties as Chowkidar in the Office of the respondent no.4 and accordingly, on 01.09.2016, the petitioner had submitted a representation to the respondent no.4 for appointing him on compassionate ground. The said claim was put up before the respondent no.4, who had recommended the name of respondent no.5 for appointment on compassionate ground in a Grade-III post in the Office of the respondent no.4. Alleging that the case of the petitioner was not considered, present writ petition has been filed claiming appointment on compassionate ground.

The State respondent no.3 has filed an affidavit-in-opposition wherein a stand has been taken that based on availability of vacancy and financial condition of both the candidates, the proposal of respondent no.5 was recommended and the proposal of the petitioner got rejected as his elder brother was a Govt. employee. It appears from the minutes of the District Level Committee meeting held on 21.04.2017 that while discussing the proposal of the petitioner and the respondent no.5, the District Level Committee arrived at a

conclusion that the elder brother of the petitioner is a Govt. servant.

Although the learned counsel for the petitioner has verbally submitted that there is a family dispute between the petitioner and his elder brother and that they are residing separately, but in the considered opinion of the Court, the mere fact that the brother of the petitioner is residing separately is of no consequence as the immediate family member of the petitioner's deceased father is a Govt. employee.

In the present case in hand, the petitioner has not assailed the finding recorded by the District Level Committee that the elder brother of the petitioner is a Govt. servant, as such, this writ petition fails on merit as the immediate family member of the father of the petitioner already has got Govt. service. Hence, this writ petition is dismissed.

**JUDGE**

**Comparing Assistant**