GAHC010025672020

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

Case No. : WP(C)/771/2020

SARWARJ AHMED KHAN
S/O- LT. LATIB ALI KHAN, VILL. BAIRABPUR PT-II, P.O.- KALAIN, DIST.- CACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION (ELEMENTARY) DEPTT., DISPUR, GHY.-06.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY.-19.

3:THE DISTRICT LEVEL COMMITTEE
REP. BY THE DY. COMMISSIONER
CACHAR.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
CACHAR
SILCHAR.

5:THE BLOCK ELEMENTARY EDUCATION OFFICER

HILARA
KATIGORAH
CACHAR

Advocate for the Petitioner : MR. J LASKAR

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 15-12-2020

Heard Mr. J. Laskar, learned counsel for the petitioner. Also heard Mr. S.R. Barua, learned Junior Government Advocate for the respondent no. 3 and Ms. N. Phukan, learned counsel for the respondents no. 1, 2, 4 and 5.

2. The father of the petitioner Late Latib Ali Khan who was the Head Teacher of 13 No. Bhariabpur L.P. School under Block Elementary Education Officer, Hilara, Katigorah in the Cachar district died in harness on 13.10.2008. On his death, the petitioner submitted an application for compassionate appointment on 04.10.2009, a copy of which is annexed as Annexure-A, page 9 to the writ petition. Annexure – A to the writ petition also reveals an endorsement by the Block Elementary Education Officer dated 04.10.2009, which is an indication that the said application was received by the respondent authorities on the said date itself.

3. When the claim of the petitioner was placed before the DLC of Cachar district in its meeting held on 11.08.2016, it was rejected by providing a reason that of late submission of application. The DLC does not provide any reason as to why it has arrived at such a conclusion although in a tabular form at Sl. No. 22 in respect of the petitioner some figures are made available wherein it had been recorded that the petitioner had submitted his application for compassionate appointment on 21.07.2016.

4. We are unaware as to what material was placed before the DLC, but it can be said that at least the application dated 04.10.2009 which is annexed as Annexure – A was not placed before the DLC. If the petitioner submitted the application on 04.10.2009, apparently the said was submitted within the prescribed time limit. In the circumstance, we set aside the minutes of the DLC dated 11.08.2016 of Cachar district in respect of the petitioner and remand the matter back to be placed before the next available DLC for a fresh consideration. For the fresh consideration, the application dated 04.10.2009

which is annexed as Annexure - A be also placed before the DLC and the DLC may examine the said application and pass a reasoned order and reconsider the claim of the petitioner on merit strictly as per law.

5. The information provided by Mr. S.R. Barua, learned Junior Government Advocate dated 01.12.2020 containing the minutes of the DLC is kept on record.

6. Writ petition stands disposed of in the above terms.

JUDGE

Comparing Assistant