GAHC010120352017

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

**Case No. : WP(C)/130/2017**

BEAUTY GANJU
D/O LT. BIPIN GANJU R/O VILL- GUMORIA P.O. HAHARA P.S. SONAPUR,
PIN - 782402, IN THE DIST. OF KAMRUP M, ASSAM.

VERSUS

STATE OF ASSAM and 2 ORS.
REP. BY THE COMMISSIONER and SECRETARY, PRIMARY EDUCATION DEPARTMENT, SECRETARIAT BUILDING, DISPUR, GUWAHATI, ASSAM.

2:THE DEPUTY INSPECTOR OF SCHOOLS

3:THE DIRECTO

**Advocate for the Petitioner** : MS.A MAHANTA

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

**BEFORE**
**HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

**Date : 01-12-2020**

## JUDGMENT & ORDER (ORAL)

Heard Ms. D Ghosh, learned counsel for the petitioner. Also heard Mr. PK Bora, learned counsel

for the Elementary Education Department and Mr. B Deuri, learned counsel for the DLC of Kamrup(M) district.

2. The father of the petitioner, who served as an Assistant Teacher in the Hahara Primary School under village Gumoria in the Kamrup (M) district died in harness on 10.11.2012. On his death, the petitioner being the daughter of the deceased employee submitted an application for compassionate appointment on 15.12.2012. Apparently, the application of the petitioner is within the prescribed time for submission of application for compassionate appointment. It is stated that the application of the petitioner for compassionate appointment was placed before the DLC of Kamrup (M) district on 22.05.2018. It is difficult to understand why the authorities took six years to place the claim of the petitioner before the DLC which appears to be due to lack of proper attitude on the part of the Elementary Education Department in performing their duties.

3. Be that as it may, the DLC had sent the matter back to the Elementary Education Department for re-verification of some of the relevant papers/documents relating to financial condition of the petitioner and it was also resolved that the claim of the petitioner would be given a final consideration upon receiving the required papers/documents from the Elementary Education Department.

4. This writ petition is instituted on the grievance that although the petitioner had made an application for compassionate appointment within the prescribed time, due consideration has not been given by the authorities. The aforesaid information that the meeting of the DLC dated 22.05.2018 had required some documents from the Elementary Education Department can be obtained from the communication dated 16.02.2019 from the Director Elementary Education Assam to the senior standing counsel of the Department. We keep the communication on record. From the aforesaid conspectus of facts, from the year 2012 till 2020, the Department is merrily sitting over the matter and has given a treatment to the petitioner which a citizen does not deserve from a responsible government officials.

5. We have been told that from the year 2012-2020 there have been successive officers who had occupied the office of the Director of Elementary Education Assam and equally successive officers had occupied the Office of the Deputy Inspector of Schools at Guwahati. The Department sat over the

matter for 6(six) years before placing the claim of the petitioner before the concerned DLC. When the DLC asked for some further documents, again the Department sat over the matter without doing anything till date compelling the petitioner to approach this Court. We are absolutely appalled with the conduct and attitude of the Elementary Education Department and for the purpose we held the Director of Elementary Education Assam, being the Head of the Department and the Deputy Inspector of Schools at Guwahati to be responsible for it. Accordingly, a cost of Rs.25000/- be paid to the petitioner conjointly by the Director of Elementary Education, Assam and the Deputy Inspector of Schools at Guwahati which shall be recovered personally from all the Directors and the Deputy Inspector of Schools, Guwahati who held their office from 2012 upto 2020.

6. Further whatever is required to be done regarding the documents as sought for by the DLC of Kamrup(M) district held on 22.05.2018 be forthwith forwarded by the Director of Elementary Education by taking a personal interest on the matter so that the complete set of document is made available and be placed before the next available DLC of Kamrup(M) district.

7. Upon such documents being placed, the DLC shall proceed as per law and determine the claim of the petitioner on its own merit. The cost, as indicated above, be paid within a period of 1(one) month from the date of receipt of the certified copy of this order.

8. Records of payment of the cost be placed before the Registry.

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

**JUDGE**

**Comparing Assistant**