GAHC010082312026

2026:GAU-AS:16571

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

Case No. : WP(C)/2288/2026

JINTUMONI DUTTA
S/O LATE BONSEWAR DUTTA, R/O NAHAR HAKU GAON, DIBRUGARH,
DIST- DIBRUGARH, ASSAM, PIN-786010

VERSUS

THE STATE OF ASSAM AND OTHRS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM, IRRIGATION DEPARTMENT, DISPUR, GHY , PIN-781006

2:THE COMMISSIONER AND SECRETARY
GOVT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GHY 781006

3:THE CHIEF SECRETARY
GOVT OF ASSAM CUM CHAIRMAN OF THE STATE LEVEL SELECTION COMMITTEE FOR THE COMPASSIONATE APPOINTMENT
DISPUR
GHY 78100

Advocate for the Petitioner : MR. B K SARMA, MRS. T BARMAN,S DIHINGIA

Advocate for the Respondent : SC, IRRIGATION, GA, ASSAM,SC, FINANCE

Linked Case : WP(C)/2350/2026

BURHAN ALI
S/O LATE MOHIBUR RAHMAN
R/O JAJORI TO DOLONG GHAT ROAD
NEAR SKPLP SCHOOL
MULAN KAMORA
BAR MANIPUR
DIST- MORIGAON
ASSAM
PIN- 782142.

VERSUS

THE STATE OF ASSAM AND 2 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
IRRIGATION DEPARTMENT
DISPUR
GHY- 781006.

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GHY- 781006.

3:THE CHIEF SECRETARY
TO THE GOVT. OF ASSAM CUM CHAIRMAN OF STATE LEVEL SELECTION COMMITTEE FOR THE COMPASSIONATE APPOINTMENT
DISPUR
GHY- 781006.

Advocate for : MR. B K SARMA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

BEFORE
HONOURABLE MR. JUSTICE NCHUMBEMO MOZHUI

ORDER

11.11.2026

Heard Mr. BK Sarma, learned Counsel for the petitioner and Mr. M. Sarma, learned Standing Counsel for Irrigation Department and Ms. S. Baruah, learned Government Advocate representing respondent no.3.

2. By filing the instant petition, the petitioner is praying for consideration of his case for appointment on compassionate ground in terms of the laid-down policy of the Government vide Office Memorandum dated ABP.50/2006/Pt/182 dated 01.06.2015. The petitioner applied for appointment on compassionate ground on 10.04.2017 on account of his father's demise. The case of the petitioner was recommended by the DLC for appointment on compassionate ground as DLC found him eligible.

3. Thereafter, his case was forwarded to the SLC on 06.12.2023 and SLC found the petitioner eligible and recommended his name for appointment to Grade-IV post under Irrigation Department.

4. The SLC directed the Irrigation Department to seek vacancy from other department. If there is no vacancy within the 5% quota earmarked for compassionate appointment under Irrigation Department, and SLC further directed that on finding of suitable vacancy in any department, Irrigation Department should forward the relevant document to that department for further needful action towards his appointment and if no suitable vacancy is found in any department, the matter may be disposed of by issuing a speaking

order by the department.

5. It is the case of the petitioner that, in spite of the direction issued by the SLC, the Irrigation Department did not take any steps to do the needful for consideration of the case of the petitioner on the compassionate ground and further no speaking order was issue. Being aggrieved, the petitioner has approached this Court by filing the instant writ petition.

6. Today when the matter was taken up, the learned counsel for the Irrigation Department, that is respondent no.1, has produced a speaking order no. IGN(E) 276268/149-A dated 20.08.2026 issued by the Secretary to the Government of Assam, Irrigation Department, Dispur, Guwahati-6.

7. The learned counsel for the petitioner was also furnished with a copy of the speaking order dated 20.08.2026 for perusal.

8. In the said speaking order, the name of the petitioner appears as Serial 20. The case of the petitioner was turned down by the respondent no.1 on the ground that there were no vacancies in the said department.

9. It was further stated in the speaking order that there was no response from the other departments and that no vacancy was available in any department for compassionate appointment of any of the conditionally recommended applicants. That being the position, with the issuance of the speaking order dated 20.08.2026, the instant writ petition has become infructuous. The petitioner, if so aggrieved, would have to challenge the speaking order dated 20.08.2026 for consideration of his case. The learned counsel for the petitioner, therefore, submits that he may be allowed to withdraw the present writ petition,

with liberty to file a fresh writ petition challenging the speaking order dated 20.08.2026, as the same gives rise to a fresh cause of action.

10. The prayer is not objected by the learned counsel for the respondent no.1.

11. Accordingly, this writ petition stands dismissed on withdrawal.

12. However, liberty is granted to the petitioner to approach this Court by impugning the speaking order dated 20.08.2026.

JUDGE

Comparing Assistant