

WP(C) 1076/2009
BEFORE
HON'BLE THE CHIEF JUSTICE MR.MADAN B. LOKUR

The petitioner had applied for compassionate appointment by an application dated 3rd May, 2007 after her father died on 15th September, 2006.

It appears that the application was processed and the petitioner was given a letter dated 24.2.2009 asking her to join the service. The letter clearly says that subject to satisfactory police verification report Miss Rumi Bora, Daughter of Late Mohendra Borah etc. is appointed temporarily as LDA cum Typist on compassionate ground.

On a reading of the appointment letter, it is clear that in the application the petitioner had indicated that she was unmarried and she was the daughter of late Mohendra Borah.

When the petitioner went to join her service, it was discovered that infact she was married and that she had married before she had submitted the application dated 3rd May, 2007. The fact that she was married was concealed from the respondents and, therefore, the petitioner was not allowed to join her duties.

Feeling aggrieved, the petitioner has filed this writ petition for a direction to the respondents to permit her to join her duties.

In the counter affidavit, it is stated that the petitioner was married and this fact came to be known only when she went to join her duties and as she was married, she was not entitled to appointment on compassionate grounds. Consequently, she was not permitted to join her duties.

It is submitted by learned counsel that when the petitioner went to join her duties, she had disclosed that she was married. For this he has placed reliance to some documents dated 26th February, 2009 which is after the date of the appointment letter.

Undoubtedly, the petitioner had disclosed at the time when she had went to join the service that she was married, the relevant fact is that at the time when she made an application for compassionate ground, she had misled the respondents by stating that she was unmarried. If she had made the respondents aware that she was married, she would not have been entitled to appointment on compassionate grounds.

Under the circumstances, I am of the view that the respondents rightly took the decision in not allowing the petitioner to join her service because of her failure to provide true and correct facts.

There is no merit in the writ petition and it is, accordingly, dismissed

.