

WP(C) 4513/2015
BEFORE
HON'BLE MR JUSTICE M.R.PATHAK

Heard Mr. S. C. Biswas, learned counsel for the petitioner . Also heard Mr. N. S arma, learned Standing Counsel, Elementary Education Deptt appearing for respondent Nos. 3, 5 and 6 and Ms.K.Phukan, learned State Counsel appearing for respondent Nos 2 and 4.

The petitioner's father, Asstt. Teacher of Branahati Senior Basic School in Rangia Education Block under District Elementary Education Officer, Kamrup (Rural) died-in-harness on 30.01.2006 . The petitioner on 18.05.2006 applied for compassionate appointment under the die-in-harness of the State. As the case was not considered, petitioner filed WP(C) No. 1656/10 which was disposed of on 02.07.2010 in terms of Achyut Ranjan Das & ors.-Vs.-State of Assam & Ors, reported in 2006 (4) GLT 674 and Fazirun Nessa & ors. Vs.State of Assam & ors reported in 2010 (4) GLT 340 with certain guidelines.

In the said order dated 02.07.2015 this court specifically observed that :
vii) It is hereby once again clarified that Principle No.X laid down in Achyut Ranjan Das(Supra) shall not be applicable to the cases under Principle No.1 but will be applicable in all other cases , meaning thereby, that if applications are pending for a period of two years from the date of making the application but could not be considered for want of vacancies, all such applications will require no further consideration and must be understood that they have spent their force.

viii) All the pending cases before the DLC or the SLC must be expedited and shall be given finality as expeditiously as possible leaving no scope for any resentment. On ground of delay whatever may be the outcome of consideration of the cases, same shall be communicated to the applicants concerned.

Inspite of such direction of the Court passed earlier, the petitioner's case has not been placed before the District Level Committee, Kamrup District (Rural) till date for necessary consideration. Being aggrieved petitioner has filed this petition.

After hearing the learned counsel for the parties and as agreed to by them, this writ petition is disposed of at the motion stage itself directing the respondent i.e. D.E.E.O., Kamrup District (Rural), Amingaon to place the case of the petitioner before the next DLC of Kamrup District (Rural) for consideration of appointment of the petitioner under the die-in-harness scheme of the State in accordance with law and in terms and condition of the judgments of Achyut Ranjan Das and Fazirun Nessa (supra) if not already been placed.

The petitioner shall submit a certified copy of this order before the Director Secondary Education on or before 15.09.2015.

With the above observation and direction this writ petition stands disposed of.