

BEFORE

THE HON'BLE MR JUSTICE M.R. PATHAK

Heard Mr. S.U. Ahmed, learned counsel for the petitioner as well as Mr. D. Konwar, learned Standing Counsel, Education (Elementary) Department, appearing for the respondents No. 2, 3, 4 and 7. I have also heard Mr. A. Choudhury, learned State Counsel, appearing for the respondents No. 1, 5 and 6. None has appeared on behalf of the respondent No. 8 on call. Office note dated 20.03.2015 reflects that the Registry received back the A/D card after due service of the notice on the said respondent.

The petitioner's father, namely, Bishnu Konwar, a Grade-IV employee in Jhanji Chaudang MV School under Amguri Education Block of Sivasagar district died in harness on 07.06.2007. To that extent, the petitioner has produced the death certificate of his late father. On the application of the petitioner dated 10.12.2007 for his compassionate appointment under the die-in-harness scheme of the State, the District Level Committee (DLC) Sivasagar recommended the name of the petitioner for his appointment on compassionate ground against Grade-IV post in the said district. However, the State Level Committee (SLC) in its meeting held on 16.03.2011 rejected the case of the petitioner on the ground that the petitioner submitted his application for compassionate appointment lately i.e. beyond one year. However, the DLC, Sivasagar by its communication dated 19.04.2012 informed the Deputy Commissioner, Sivasagar that the petitioner filed his application for compassionate appointment on 10.12.2007, whereas in the format in preparing the list, his date of application for compassionate appointment was wrongly typed as 10.12.2009.

In that view of the matter, the case of the petitioner was again placed before the SLC on 01.04.2014 and in that occasion, the SLC after considering the his case rejected the case of the petitioner holding that the respondent No. 8 is eligible for appointment to the post of Grade-IV on compassionate ground, as she is the candidate with maximum age.

It is seen that the finding of the DLC, Sivasagar dated 11.12.2009 while recommending the name of the petitioner for his compassionate appointment under die-in-harness scheme specified that there was only one vacancy for compassionate appointment under 5% quota in Sivasagar district and the DLC Sivasagar recommend the sole name of the petitioner for Grade-IV post for such compassionate appointment against the said vacancy, but it is seen that the SLC while re-considering the case of the petitioner in its meeting held on 01.04.2014 considered the case of the respondent No. 8 only considering the vacancy position as one up to 13.01.2013 for compassionate appointment under the 5% quota of die-in-harness scheme against four such candidates including the name of the petitioner and the respondent No. 8, that was recommended by the DLC Sivasagar. The SLC in its said meeting did not consider the fact that in the year 2009, the DLC Sivasagar recommended the name of the petitioner only against the aforesaid single vacancy under the 5% quota for appointment under Grade-IV post under the die-in-harness scheme and in the said the recommendation the DLC Sivasagar did not recommend any other's name including the respondent No. 8.

Considering all the above, this writ petition is disposed of directing the SLC to reconsider the case of the petitioner afresh for his compassionate appointment under the die-in-harness scheme of the State considering the fact that the DLC Sivasagar in its meeting held on 11.12.2009 recommended the name of the petitioner only against the lone vacant post under 5% quota for appointment under Grade-IV post during the said period.

The SLC shall do the required exercise afresh regarding consideration of the case of the petitioner on or before 31.07.2016. The petitioner shall submit a fresh representation before the Commissioner & Secretary, Elementary Education, Assam & Member Secretary of the SLC on or before 30.04.2016 along with the certified copy of this order, who in turn shall place the matter of the petitioner in the next SLC.

With the above observation and direction, the writ petition is disposed of.