

WP(C) 4282/2016

BEFORE

HON'BLE MR. JUSTICE M. R. PATHAK

Heard Mr. A Adhikary, learned counsel for the petitioner. Also heard Mr. A Deka, learned Standing counsel, Education Department for the respondent Nos. 1 to 3 and Mr. C K S Baruah, learned Government advocate for the respondent Nos. 4 and 5.

Matter relates to compassionate appointment of the mother of the petitioner, namely, Matu Prava Rabha, who was an Assistant Teacher in Narengkati Higher Secondary School under the Inspector of Schools, Sonitpur District Circle, Tezpur and died-in-harness on 04.02.2013.

The petitioner applied before the authority concerned for her compassionate appointment under the die-in-harness scheme and the DLC, Tezpur recommended her case for such compassionate appointment. However, the SLC for compassionate appointment in its meeting dated 26.08.2014 rejected the case of the petitioner for her appointment as an Assistant Teacher on compassionate ground finding that the petitioner did not possess the requisite percentage of marks in her HSLC, H SSLC (10+2) and in Graduate examinations.

Being aggrieved with the said rejection of the SLC dated 26.08.2014, the petitioner has preferred this writ petition.

It is already settled by this Court in a catena of decisions that an incumbent can seek compassionate appointment under the die-in-harness Scheme of the State as per the Office Memorandum of the State Government in the Personal Department and if the concerned Selection Committee cannot consider the case of the incumbent for appointment on compassionate ground in Grade-III post, then such incumbent should be considered for available Grade-IV post under 5% quota under the die-in-harness scheme.

In the present case, the SLC in its minutes dated 26.08.2014 did not consider the case of the petitioner for her appointment on compassionate ground in Grade-IV post after rejecting her claim for Grade-III post.

In that view of the matter, the case of the petitioner for her compassionate appointment under the die-in-harness scheme needs to be reconsider for her such compassionate appointment in Grade-IV post in terms of the Office Memorandum of the State Government in the Personal Department regarding such compassionate appointment under the die-in-harness scheme as well as the decision of this Court passed earlier.

The Inspector of Schools, Sonitpur, Tezpur shall submit the case of the petitioner before the next DLC, Sonitpur, Tezpur for compassionate appointment of the petitioner against Grade-IV post.

The petitioner shall submit a certified copy of this order to the Inspector of Schools, Sonitpur, Tezpur forthwith for consideration of her case by the DLC, Sonitpur, Tezpur.

With the above observations and directions, this writ petition stands disposed of.