

WP(C) 2468/2017
BEFORE
HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI

Heard Mr. A.A. Dewan, learned counsel for the petitioner. Also heard Ms. K. Phukan, learned State counsel, appearing for the respondent Nos.1, 2 & 4 and Mr. S. M.T. Chistie, learned standing counsel, Education (Elementary) Department, appearing for the respondent Nos.3 & 5.

The father of the petitioner, namely, Khanindra Kumar Bhagawati, died in harness on 06.12.2015 while serving as Assistant Teacher at Sati Joymoti Kokila Girls' M.E. School in the District of Bongaigaon. It is the stand of the petitioner that the petitioner had submitted an application on 02.03.2016 for appointment on compassionate ground. The case of the petitioner was rejected by the District Level Committee (DLC) in its meeting held on 14.06.2016 on the ground of due to lack of vacancy. Thereafter, again the case of the petitioner was placed before the

DLC in its meeting held on 27.12.2016 but the case of the petitioner was rejected by the DLC in its meeting held on 27.12.2016 on the ground that the petitioner does not have B. Ed. Degree. The DLC, however, observed that the petitioner's case can be considered in future meetings of the DLC within the time-frame of 2(two) years subject to production of B.Ed. Degree by the petitioner.

Although in the writ petition the petitioner has prayed for quashing of Clause-17 of the Office Memorandum dated 01.06.2015, issued by the Additional Chief Secretary to the Government of Assam, Personnel (B) Department, which provides that educational qualification as prescribed by the concerned service Rules shall not be relaxed, Mr. Dewan has submitted that the petitioner will be satisfied if a direction is issued to the respondent authorities to re-consider the case of the petitioner for appointment to a post for which the petitioner is qualified.

The prayer made by Mr. Dewan is not opposed by the learned counsel appearing for the respondents.

A perusal of the minutes of the meeting of the DLC, held on 27.12.2016, goes to show that even the DLC had not shut the door for the petitioner as it had observed that her case would be considered again if she could produce B.Ed. Degree certificate within a period of 2(two) years.

The petitioner is now willing to accept any post for which she is presently qualified and, therefore, the respondent authorities are directed to consider the case of the petitioner for appointment on compassionate ground to any post for which she is eligible. Accordingly, the case of the petitioner shall be placed for consideration in the meeting of the DLC within a period of 4(four) months from today.

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