

GAHC010205442022



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/6584/2022**

MASUM HUSSAIN CHOUDHURY  
S/O- LATE SAJ UDDIN CHOUDHURY ,  
VILL- UJANKUPA PART II,  
P.O- UJANKUPA,  
P.S AND DIST- HAILAKANDI, ASSAM, PIN-788152

VERSUS

THE STATE OF ASSAM AND 4 ORS  
TO BE REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, PUBLIC  
HEALTH ENGINEERING DEPTT., DISPUR, GUWAHATI- 6, ASSAM.

2:THE CHIEF ENGINEER

PUBLIC HEALTH ENGINEERING DEPARTMENT HENGRABARI  
ASSAM  
GUWAHATI- 6.

3:THE DEPUTY COMMISSIONER  
HAILAKANDI CUM CHAIRMAN OF THE DISTRICT LEVEL COMMITTEE  
HAILAKANDI  
DIST- HAILAKANDI

4:THE EXECUTIVE ENGINEER  
PUBLIC HEALTH ENGINEERING DIVISION  
HAILAKANDI  
DIST- HAILAKANDI

5:THE DISTRICT LEVEL COMMITTEE (DLC)  
TO BE REP. BY ITS CHAIRMAN  
P.O  
P.S AND DIST- HAILAKANDI

ASSAM  
PIN-78815

**Advocate for the Petitioner** : MR. R A CHOUDHURY

**Advocate for the Respondent** : SC, P H E

**BEFORE**  
**HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

**ORDER**

**Date : 30-09-2022**

Heard Mr. R A Choudhury, learned counsel for the petitioner. Also heard Mr. S N Hassan, learned counsel for the respondents no. 1, 2 and 4 being the authorities under the PHED and Mr. C S Hazarika, learned Junior Government Advocate for the respondents no. 3 and 5 being both the Deputy Commissioner, Hailakandi.

2. The father of the petitioner Saj Uddin Choudhury who was a Grade-IV employee in the office of the PHED, Hailakandi died in harness on 28.08.2011 and on his death, the petitioner submitted the application for compassionate appointment on 16.07.2012. The said application was given a consideration by the DLC of Hailakandi district in its meeting of 11.02.2022 and 16.03.2022. The application of the petitioner was rejected by providing that the applicant had submitted educational qualification documents of only class VII passed, whereas the concerned Grade-IV post requires the qualification of Class VIII passed.

3. The petitioner makes a statement before the Court that at that relevant point of time, when the application for compassionate appointment was made on 16.07.2012, he had appeared in the matriculation examination meaning thereby the petitioner was at least class IX passed at that point of time.

4. Without going into the factual dispute raised, we require the petitioner to produce such documents which may show that his educational qualification as on 16.07.2012 when the application for compassionate appointment was made to be class VIII passed or above. Upon the documents being made available to the Executive Engineer, PHED, Hailakandi, the Executive Engineer to again place the application of the petitioner for compassionate

appointment before the next available DLC of Hailakandi district and the DLC may pass any reasoned order as advisable under the law.

Writ petition stands disposed of in the above terms.

**JUDGE**

**Comparing Assistant**