

GAHC010005112024



2026:GAU-AS:625

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

Case No. : WP(C)/456/2024

ROFIQUL ISLAM
S/O LATE ABDUL AZIZ AHMED, R/O VILL-KARIPARA (PART-IV), P.O.-
CHAKLA, P.S.-MATIA, DIST- GOALPARA, ASSAM, PIN-783125

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION (ELEMENTARY) DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE STATE LEVEL COMMITTEE ON COMPASSIONATE APPOINTMENT
FOR ELEMENTARY EDUCATION DEPARTMENT
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-6

3:THE DISTRICT LEVEL COMMITTEE FOR COMPASSIONATE
APPOINTMENT
REPRESENTED BY THE DEPUTY COMMISSIONER
GOALPARA
P.O.
P.S. AND DIST- GOALPARA
ASSAM
PIN-783121

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
GOALPARA
P.O.
P.S. AND DIST- GOALPARA
ASSAM
PIN-78312

Advocate for the Petitioner : MR. M ALI, MR J. ISLAM

Advocate for the Respondent : SC, ELEM. EDU, GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 21-01-2026

This matter was deferred due to pendency of WA 287/2023 filed by the State challenging the decision of the Co-ordinate Bench of this Court which set aside the Clause-1 of the Office Memorandum (OM) dated 01.06.2015. Clause-1 provides that in order to be eligible to be considered for compassionate appointment, the deceased employee should have atleast 3 (three) years balance of service left before dying-in-harness.

[2] In the present case, the father of the petitioner expired on 16.10.2016 and he was born on 16.11.1958. Such being the position, he did not have the 3 (three) years of balance service left at the time of death and it is for this reason and in view of the OM dated 01.06.2015 that the case of the petitioner was rejected by the District Level Committee (DLC), Goalpara which held its meeting on 04.02.2022 and 07.04.2022 (Annexure-5).

[3] As already stated hereinabove, the Writ Appeal was disposed of along with all other analogous writ appeals, vide judgment and order dated 12.12.2025 affirming the decision of the learned Single Judge. In other words, the Division Bench found Clause-1 of the OM dated 01.06.2015 to be constitutionally invalid as held by the learned Single Judge.

[4] Such being the case and the decision of being squarely applicable to the present case, the instant writ petition is disposed of by directing the respondent

authorities concerned to place the case of the petitioner before the next DLC, Goalpara for consideration of his case. It is made clear that if the DLC is not constituted, the same be constituted by the respondent authorities to carry out the above direction. It is also made clear that the case of the petitioner shall not be rejected on account of the Late Government servant not having balance period of 3 (three) years of service, in view of the decision which has been rendered by the co-ordinate Bench of this Court and upheld by the writ Appellate Court.

[5] Such an exercise as directed hereinabove is to be carried out as expeditiously as possible and preferably within a period of 2 (two) months from the date of receipt of a certified copy of this order.

[6] In disposing of the instant writ petition, Ms. DD Barman, learned Senior Government Advocate may also be heard.

JUDGE

Comparing Assistant