

GAHC010021912024



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

Case No. : WP(C)/734/2024

NUR MAHAMMAD ALI
SON OF LATE MAKCHER ALI, RESIDENT OF WARD NO-8, BARAMA ROAD,
NALBARI, P.O. NALBARI, DISTRICT- NALBARI, ASSAM, PIN- 781335

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, FOREST DEPARTMENT, ASSAM SECRETARIAT,
DISPUR, GUWAHATI-06

2:THE CHIEF SECRETARY
TO THE GOVT. OF ASSAM
DISPUR
GHY-06
ASSAM

3:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
ARANYA BHAWAN
PANJABARI
GUWAHATI-37
ASSA

Advocate for the Petitioner : MR. J KALITA, DIKSHITA DEKA

Advocate for the Respondent : GA, ASSAM, SC, FOREST

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

20.06.2025

Heard Mr. J. Kalita, learned counsel for the petitioner. Also heard Mr. I. Borthakur, learned Standing Counsel, Forest Department and Ms. U. Sharma, learned Junior Government Advocate for the respondent No.2.

The petitioner has approached this Court praying for a direction to the respondents for recommendation of appointment to the petitioner.

The Forest Department in terms of the Office Memorandum dated 01.06.2015 enquiries were made in other departments regarding the availability of the vacancies and subsequently, during the pendency of the writ petition the petitioner has been informed that his case has been considered for compassionate appointment in the Grade III post under the P&RD Department upon recommendation made by the State Level Committee, Environment & Forest Department held on 02.03.2023.

The learned counsel for the petitioner has placed on record a communication dated 06.10.2024 received from the Panchayat & Rural Development Department, and submits that the said communication evidences the Department's approval for the appointment of the writ petitioner. He, however, submits that by a communication dated 12.03.2025, the Commissioner of the Panchayat & Rural Development Department has sought further administrative approval from the Additional Chief Secretary to the Government

of Assam, Panchayat & Rural Development Department. Although the Panchayat & Rural Development Department has not been arrayed as a party, this Court permits the learned Government Counsel representing respondent No.2 to obtain clear instructions regarding the status of the administrative approval sought by the Commissioner in relation to the compassionate appointment proposed to be offered to the writ petitioner.

Let these instructions be placed before the Court on the next day fixed.

The learned counsel for the petitioner will ensure that all the requisite documents are furnished to the learned Government Counsel to enable her to obtain complete instructions.

Since the Department has already processed the petitioner's claim for compassionate appointment, the post in which the petitioner is proposed to be accommodated under the Panchayat & Rural Development Department shall not be filled up to the detriment of the writ petitioner without the leave of this Court.

Matter be listed after four weeks.

JUDGE

Comparing Assistant