

GAHC010066162023



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

Case No. : WP(C)/2051/2023

CAPT. RAKESH KUMAR DAS
S/O- SURENDRA NATH DAS, R/O- HOUSE NO. 22, WARD NO. 56, SUGAM
PATH, BYE LANE NO. 1, PATORKUCHI, BASISHTA CHARIALI, GUWAHATI-
781029, ASSAM

VERSUS

THE GOVT. OF ASSAM AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY, GOVT. OF ASSAM, CHIEF
SECRETARY OFFICE, GOVT. OF ASSAM, BLOCK-C, 3RD FLOOR, JANATA
BHAWAN, DISPUR, GUWAHATI-781006, ASSAM

2:AS PER HON'BLE ORDER DTD. 14.06.2023

THE RESPONDENT NO. 2 IS STRUCK OFF.

3:AS PER HON'BLE ORDER DTD. 14.06.2023

THE RESPONDENT NO. 3 IS STRUCK OFF.

4:THE DEPUTY COMMISSIONER

KAMRUP METRO DISTRICT
ASSAM
LICHUBAGAN
HENGRABARI
GUWAHATI-781036
ASSAM

5:THE DIRECTOR GENERAL OF POLICE

ASSAM POLICE HEADQUARTERS

ULUBARI
GUWAHATI-781007
ASSAM

6:THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
GOVT. OF INDIA
DEPARTMENT OF SOCIAL JUSTICE EMPOWERMENT
SHASTRI NAGAR
NEW DELHI.

7:THE NATIONAL COMMISSION FOR SCHEDULED CASTES

GOVT. OF INDIA
NEW DELHI.

8:COMMISSIONER AND SECRETARY

SOCIAL JUSTICE AND EMPOWERMENT
ASSAM.

9:DIRECTOR OF WELFARE OF SCHEDULED
CASTE (SC) AND OBC
ASSAM

Advocate for the Petitioner : MRS. A GAYAN, MR. S BANIK, MS P RABHA

Advocate for the Respondent : GA, ASSAM, SC, DIRECTOR OF WELFARE OF SC AND OBC, SC,
SOCIAL JUSTICE AND EMPOWERMENT, MR R M DAS, CGC, MR. K GOGOI

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

03.02.2026

Heard Mr. S Banik, learned Legal Aid Counsel for the petitioner. Also heard Mr. RK Dev Choudhury, learned DSGI for the respondents no. 6 & 7, Ms. P. Chakraborty, learned Standing Counsel, Social Justice Department for the respondent no.3 and Mr. N Das, learned State Counsel, Assam for the

respondents no. 1, 4 & 5.

The petitioner before the Court is seeking compensation in terms of the order dated 09.09.2022 passed by the National Commission for Scheduled Castes in Filing No. 24/15/Misc/MP/2022/ESDW on a representation filed by the petitioner alleging harassment by persons named as a consequence of which the award of scholarship for which the petitioner was shortlisted came to be delayed resulting in incurring expenditure for pursuing his course for obtaining a Commercial Pilot's Licence under the Government of India Scheme. The Commission by the said order directed as follows:

“....

3. After hearing both the party in detailed, it was found by the Commission that Additional Secretaries who appeared in the hearing have delayed the matter intentionally which could have been settle at their end. The purpose of Post-Matric Scholarship for scheduled caste students was totally defeated due to the negligence of the concerned officers which laid to undue hardship to petitioner and he has to sell his land and mortgage his property to pursue his studies. The Commission recommends the concerned Police Department to re-investigation and arrest that person of scholarship to petitioner and appropriate action may be taken against WTC and BC Department who order to reinvestigate the Caste certification of the petitioner. Due this petitioner incurred huge loss, the Commission recommends that petitioner may be given compensation accordingly.”

Reading of the order of the Commission reveals that the Commission recommends the reinvestigation of the matter which is already before the Investigating Authorities and also further recommends compensation to be

awarded to the petitioner accordingly. Learned Legal Aid Counsel for the petitioner has placed before the Court a representation received from the writ petitioner that presently, the petitioner prays for calculation and payment of compensation by the Deputy Commissioner, Nalbari in terms of the Schedule Caste and the Scheduled Tribes (Prevention and Atrocities) Amendment Rules, 2016, with further interest on the compensation amount on account of delay and further for calculation of payment of compensation by the Department of Social Justice and Empowerment for the huge losses stated to have been suffered by the petitioner due to inordinate delay in release of scholarship amount.

In order to consider the claim made by the petitioner, at this stage, it is necessary to understand whether the proceedings before the National Commission of Scheduled Castes have finally concluded or the matter is still pending. Accordingly, this information will be placed before the Court by the learned DSGI. In respect of the police cases pending, more particularly, Dispur Police Station Case being GR Case No.17856/2021 and Dispur Police Station Case No.2417/2019 filed by the petitioner and the status of the investigation thereon be also placed before the Court by Mr. N Das, learned State Counsel. The status will indicate whether the charge-sheet or the final report as the case may be has been filed by the Investigating Authority.

Learned Standing Counsel for the Social Justice Department will apprise the Court as to the methods and the procedure for working out the compensation as recommended by the National Commission for Scheduled Castes and also apprise the Court thereon.

Let all these information be placed before the Court on 11.03.2026.

JUDGE

Comparing Assistant