

GAHC010152502018



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

Case No. : WP(C) 4679/2018

1:MUSTAK AHMED SIDDEQUE
S/O- LATE MASUK AHMED SIDDEQUE, VILL- KABARIBOND, P.O AND P.S-
PATHARKANDI, DIST- KARIMGANJ, ASSAM

VERSUS

1:THE STATE OF ASSAM AND 4 ORS
REP. BY THE SECRETARY TO THE GOVT OF ASSAM, EDUCATION
(ELEMENTARY)DEPTT, ASSAM, DISPUR, GHY- 6

2:THE DIRECTOR
ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
ASSAM

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
KARIMGANJ
ASSAM

4:THE DISTRICT LEVEL SELECTION COMMITTEE
REP. BY THE DEPUTY COMMISSIONER
KARIMGANJ
ASSAM

5:THE STATE LEVEL COMMITTEE FOR COMPASSIONATE APPOINTMENT
REP. BY ITS CHAIRMAN
THE CHIEF SECRETARY
TO THE GOVT OF ASSAM
DISPUR
GHY- 0

Advocate for the Petitioner : MR M H CHOUDHURY

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

20.07.2018

Heard Ms. M. Deori, learned counsel for the petitioner.

The petitioner had applied for appointment on compassionate ground but his application was rejected by the DLC, Karimganj on the ground of late submission of the claim.

Ms. Deori submits that the father of the petitioner had expired on 13.04.2011 whereafter, the petitioner submitted his application seeking appointment on compassionate ground on 26.09.2011 but the same has been wrongly shown as having been submitted on 05.11.2014. The learned counsel submits that the prayer of the petitioner has been rejected on a completely erroneous basis as a result of which the rights and interest of her client has suffered serious prejudice.

Ms. R. B. Bora, learned Govt. Advocate, Assam, seeks some time to obtain instruction in the matter.

Issue notice of motion returnable in four weeks.

Ms. R. Roychoudhury, learned Standing Counsel, Education (Elementary) Department, Assam, has entered appearance and accepted notice on behalf of respondent Nos.1, 2 and 3 whereas Ms. R. B. Bora, learned Govt. Advocate, Assam appears and accepts notice on behalf of respondent Nos.4 and 5. As such, service of notice is deemed to be complete in this case. However, extra

copies of the writ petition, in requisite numbers, be furnished to the learned Standing Counsel, within three days from today enabling them to obtain instruction in the matter.

By way of an interim measure, it is provided that appointment, if any, made in the post in question shall be subject to further orders that may be passed in the writ petition.

JUDGE

Comparing Assistant