

GAHC010209902021



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

Case No. : WP(C)/6796/2021

INDIRA BORAH
W/O LATE TILURAM BORAH
RESIDENT OF DHEKARGARAH KAMAR GAON
PO DHEKARGARAH, PS PULIBOR, DIST JORHAT, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
ELEMENTARY EDUCATION DEPARTMENT, DISPUR GUWAHATI 781006

2:THE STATE LEVEL COMMITTEE (SLC)
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
CUM CHAIRMAN SLC FOR APPOINTMENT ON COMPASSIONATE GROUND
DISPUR GUWAHATI 781006

3:THE DISTRICT LEVEL COMMITTEE (DLC)
REPRESENTED BY THE DEPUTY COMMISSIONER
JORHAT
ASSAM 785001

4:THE DIRECTOR

ELEMENTARY EDUCATION ASSAM
KAHILIPARA
GUWAHATI 78101

Advocate for the Petitioner : MR. S U AHMED

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 17.12.2021

Heard Mr. S.U. Ahmed, learned counsel for the petitioner. Also heard Mr. Ganesh Pegu, learned standing counsel for the Elementary Education Department, respondent nos.1 and 4 and Mr. Girin Pegu, learned Govt. Advocate appearing for the respondent nos.2 and 3.

The learned counsel for the petitioner submits that pursuant to order dated 18.04.2017 passed in WP(C) 6840/2016, the case of the petitioner to compassionate appointment was once again placed before the SLC and by SLC minutes dated 28.12.2020, and once again the case of the petitioner was rejected on the ground of non availability of NCTE norms and also on the ground that his case did not come under the purview of OM dated 02.06.2017.

At this stage, the learned Govt. Advocate has referred to the OM dated 02.06.2017 (Annexure-8) to project that the effect of OM dated 16.05.2012 was retrospectively extended vide OM dated 02.06.2017 only up to 12.04.2017 and not any further and accordingly, he submits that there is no infirmity in the decision of the SLC vide minutes dated 28.12.2020.

Keeping the said issue open, let a notice returnable on 02.02.2022 be issued.

As all the respondents are represented, requisite additional copies of the writ petition be furnished to the learned State and Departmental counsel in course of the day today.

While filing their response, the State and the Elementary Education

Department shall specifically address the point as to where the OM dated 16.05.2012 (Annexure-7) as extended up to 12.04.2017 vide OM dated 02.06.2017 (Annexure-8) would also apply the case of the petitioner when his case was being considered by the SLC on 28.12.2020.

The learned State and Departmental counsel shall send a downloaded copy of this order to the respondent authorities while seeking instruction.

List on 02.02.2022.

JUDGE

Comparing Assistant