

GAHC010210552025



2025:GAU-AS:13402

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

Case No. : WP(C)/5752/2025

MD. NAZRUL ISLAM
S/O- LATE ABDUR RAHMAN, VILL.- NO. 1 KUWARI PUKHURI, P.S.
KHARUPETIA, DIST. DARRANG, MANGALDOI, ASSAM, PIN- 784115.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, GUWAHATI-781006.

2:THE CHAIRMAN OF STATE LEVEL COMMITTEE (SLC)
FOR APPOINTMENT ON COMPASSIONATE GROUND
DISPUR
GUWAHATI-781006.

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
PERSONNEL DEPARTMENT
DISPUR
GUWAHATI-781006.

4:THE SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF SCHOOL EDUCATION
DISPUR
GUWAHATI-06.

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER (DEEO)
DARRANG
MANGALDOI
ASSAM
PIN- 784125.

6:THE DISTRICT COMMISSIONER CUM CHAIRMAN OF DISTRICT LEVEL
COMMITTEE (DLC)

DARRANG
FOR APPOINTMENT ON COMPASSIONATE GROUND
DARRANG
MANGALDOI
ASSAM
PIN- 784125

Advocate for the Petitioner : MR. N HOSSAIN,

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

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 26.09.2025

Heard Mr. N. Hossain, learned counsel for the petitioner. Also heard Ms. S. Konwar, learned Government Advocate, for the respondent Nos. 1, 2, 3 & 6 and Ms. S. Chutia, learned Standing Counsel, Elementary Education Department, for the respondent No. 5.

[2.] Having regard to the nature of the case projected by the petitioner, the writ petition is taken up for disposal at the motion stage itself.

[3.] It is the case of the petitioner that his father had died-in-harness on 30.04.2014 and pursuant to which the petitioner submitted an application for compassionate appointment. The District Level Committee (DLC), which met on 11.12.2008 while considering the case of the petitioner found that there was no vacancy in view of the fact that only five percent of the posts is reserved for compassionate appointment. However, in a subsequent DLC, Mangaldai, which met on 07.07.2023, the application of the petitioner was accepted and it was decided to forward his application to the State Level Committee (SLC) for

necessary action. The name of the petitioner appears at Serial No. 3 of the meeting minutes. Despite the same, the case of the petitioner has not been considered and in the meantime the State Government in the Personnel (B) Department had come up with the Office Memorandum dated 18.09.2024 by which all cases of compassionate appointment has been stopped, in view of the introduction of Compassionate Family Pension Scheme. Aggrieved with the Office Memorandum, a number of similarly situated persons had approached this Court by filing their respective writ petitions. All the writ petitions were taken up together and disposed of by a common Order dated 03.04.2025 passed in WP(C) No. 342/2025 (lead case) directing the respondents authorities to consider all the pending cases for compassionate appointment in terms of the policy of the State Government in this regard. Pursuant to that the Government of Assam in the Personnel (B) Department has issued a notice on 30.08.2025 requiring all persons seeking compassionate appointments and whose cases were pending as on date, to submit their particulars on or before 15.09.2025.

[4.] The learned counsel for the petitioner submits that the petitioner has also submitted his particulars on 15.09.2025 before the Secretary to the Government of Assam, Personnel (B) Department and which was duly received on 15.09.2025. In support of his submissions, the learned counsel has produced a copy of the letter submitted by the petitioner along with the requisites dated 15.09.2025 showing the receipt of the same by the addressee dated 15.09.2025.

[5.] In view of above, writ petition is disposed of with a direction to the respondents to consider the case of the petitioner in terms of the recommendation made by the DLC, Mangaldai and as per the norms for

compassionate appointment.

[6.] The Communication dated 15.09.2025 shall be retained in the record and marked as 'x' for identification.

JUDGE

Comparing Assistant