

GAHC010217932023



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

Case No. : WP(C)/5739/2023

HASSAN JAHANGIR MAZUMDER
S/O- LATE FOYAZ UDDIN MAZUMDER, VILLAGE- RANGAUTI PART-III, P.O.
RANGAUTI, P.S.- HAILAKANDI, DISTRICT- HAILAKANDI, ASSAM, PIN-
788155

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, PUBLIC HEALTH ENGINEERING DEPARTMENT,
DISPUR, GUWAHATI- 781006

2:THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING ASSAM
HENGRABARI
GUWAHATI- 781036

3:THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING
KARIMGANJ
P.O. AND DISTRICT- KARIMGANJ
ASSAM
PIN- 788710

4:THE DISTRICT LEVEL COMMITTEE FOR COMPASSIONATE
APPOINTMENT
CACHAR REPRESENTED HEREIN BY ITS CHAIRMAN CUM DEPUTY
COMMISSIONER
KARIMGANJ
DISTRICT- KARIMGANJ
ASSAM
PIN- 78871

Advocate for the Petitioner : MR H I CHOUDHURY

Advocate for the Respondent : SC, P H E

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 29.09.2023

Heard the learned counsel for the parties.

This writ petition has been filed by the writ petitioner because of non-consideration of the petitioner's case by the DLC for compassionate appointment. The petitioner's case was rejected by the DLC by its meeting held on 28.02.2019 on the ground that non-availability of vacant post up to two years from the date of the application.

The learned counsel for the petitioner submits that on the date, when the case of the petitioner was considered, the provision of OM dated 01.06.2015 were applicable and as per the said OM, vacancies in other Departments ought to have been considered by the DLC while considering the application of the writ petitioner. Such consideration is not apparent to the minutes dated 28.02.2019. Accordingly, he approached this Court for appropriate direction(s)/order(s).

Mr. I.Borthakur, learned standing counsel appears for the respondent Nos. 1, 2 and 3 and Ms. M.Bhattacharya, learned Addl. Senior Govt. Advocate appears for the respondent No.4.

Let notice be issued returnable by 4(four) weeks.

Since the learned counsel entered appearance, notice is waived.

List the matter after 4(four) weeks.

JUDGE

Comparing Assistant