

GAHC010277052025



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

Case No. : WP(C)/43/2026

BISWAJIT SUKLA
S/O LATE BIRENDRA SUKLA, VILL.- KISHORKOPON, P.O.- DHARKUNA,
P.S.- KARIMGANJ, DIST.-SRIBHUMI, ASSAM, PIN- 788712.

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM-CUM-CHAIRMAN, STATE LEVEL COMMITTEE FOR
COMPASSIONATE APPOINTMENT, DISPUR, GUWAHATI-781006.

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-781006.

3:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
PANJABARI
GUWAHATI-781037

Advocate for the Petitioner : MR. N H BARBHUIYA, MS. S. DEY,MS. N.A. LASKAR

Advocate for the Respondent : GA, ASSAM, SC, P AND R.D.

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 19.01.2026

Heard Mr. N. H. Barbhuiya, learned counsel appearing for the petitioner. Also heard Mr. R. Dhar, learned counsel appearing for the respondent No. 1 and Mr. S. Dutta, learned Standing Counsel, PNRD, appearing for the respondent Nos. 2 and 3.

By way of this petition under Article 226 of the Constitution of India, the petitioner is challenging the Office Memorandum dated 18.09.2024 and the Executive Order dated 13.08.2025 and for consideration of the case of the petitioner for appointment on compassionate grounds in place of her father who died while in service on 04.04.2002, on compassionate grounds based on the recommendation of the District Level Committee, Karimganj, dated 13.07.2023.

Issue notice returnable by 20.02.2026.

Mr. R. Dhar, learned counsel accepts notice on behalf of respondent No. 1 and Mr. S. Dutta, learned Standing Counsel, PNRD accepts notice on behalf of respondent Nos. 2 and 3.

Let extra copies be served within the course of the day.

Mr. R. Dhar, learned counsel submits that though the Personnel Department's presence is necessary for effective adjudication of the matter; however, the same is not a party respondent in the matter. He further objects the maintainability of the petition on the ground that the petitioner had died way back on 04.04.2002, and hence the case is

covered by the decision of the Apex Court in the case of ***State of West Bengal vs Debabrata Tiwari***, reported in ***SCC Online 2023 SC 219***.

Let the issue of maintainability be kept open for deciding the same at the appropriate stage.

Relist the matter on 20.02.2026.

JUDGE

Comparing Assistant