

GAHC010282632025



2026:GAU-AS:628

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

Case No. : WP(C)/235/2026

ABDUS SATTAR

S/O- LT. SOBUR UDDIN SK., VILL- MAJERALGA PT-II, P.O.- JARUAR CHAR,
DISTRICT- DHUBRI, ASSAM, PIN- 783339

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, GUWAHATI-781006.

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

3:THE SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF SCHOOL EDUCATION
DISPUR
GUWAHATI-6

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER (DEEO)
DHUBRI
ASSAM
PIN- 783301

5:THE DISTRICT COMMISSIONER CUM CHAIRMAN OF DISTRICT LEVEL
COMMITTEE (DLC)
DHUBRI FOR APPOINTMENT ON COMPASSIONATE GROUND
DHUBRI
ASSAM
PIN- 78330

Advocate for the Petitioner : MR H TALUKDAR, MR. K D SARMA

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

BEFORE

HON'BLE MR. JUSTICE NELSON SAILO

O R D E R

21.01.2026

Heard Mr. K.D Sharma, learned counsel for the petitioner, Ms. S. Konwar, learned Government Advocate appearing for the State respondents and Ms. N. Phukan, learned Standing Counsel, Elementary Education Department. Having regard to the grievance projected by the petitioner, the writ petition is taken up for disposal at the motion stage itself.

2. It is the case of the petitioner that his father died in harness on 29.03.2008 and the petitioner's mother submitted an application for compassionate appointment of the petitioner on 12.05.2008. Since the application was not considered, the petitioner approached this Court by filing WP(C) No.5093/2009 with a direction to the respondent authorities to consider the case of the petitioner in terms of the relevant guidelines. The case of the petitioner was considered by the DLC which met on 17.08.2011, but his application was rejected. The petitioner then initiated his second writ petition by filing WP(C) No.5888/2023, challenging the DLC minutes. The writ petition came to be dismissed vide judgment and order dated 16.07.2025 by taking into account the decision of the Apex Court rendered in State of West Bengal –vs- Debabrata Tiwari & others,

reported in (2023) SCC Online SC 219.

3. According to the petitioner, Office Memorandum dated 18.09.2024 issued by the Personnel (B) Department, Government of Assam was put to challenge by a number of similarly situated persons since the compassionate appointment scheme was notified to be not applicable for those employees who died in harness on or after 01.04.2017 in view of the introduction of the compassionate family pension scheme in lieu of compassionate appointment.

4. All the pending writ petitions challenging the Office Memorandum were taken up together and disposed of vide common order dated 03.04.2025 with the lead case being WP(C) No.342/2025 by directing the respondent authorities to consider all pending cases for consideration in terms of the relevant scheme. Acting upon the said direction, the respondent authorities had issued a notice dated 30.08.2025 requiring all interested persons to submit their detail particulars for considering their case for compassionate appointment on or before 15.09.2025. According to the petitioner, since he was not aware about the notice and on coming to know of the same he could submit his details only on 08.12.2025 (Annexure-13). Since there was delay in filing his detail particulars, the petitioner now apprehends that his case will not be considered by the respondent authorities. It is for this reason that the petitioner has filed this instant writ petition.

5. Learned counsel for the petitioner submits that the limited prayer of the petitioner is that the representation submitted by him on 08.12.2025 (Annexure-13) be directed to be considered by the respondent authorities.

6. Having regard to the above, the writ petition is disposed of by directing the respondent authority concerned (respondent No.2) to consider and dispose the representation submitted by the petitioner on 08.12.2025 on its own merit without being influenced by any observations which may have been made hereinabove and the same should be done within a period of two months from the date of receipt of a certified copy of this order.

JUDGE

Comparing Assistant