

GAHC010287782025



2026:GAU-AS:180

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

Case No. : WP(C)/62/2026

ATUL BORAH
S/O- LATE BOGIRAM BORAH,
R/O- VILLAGE- TINGALIBORI, P.O- SIMALUGURI, P.S- GOHPUR, DIST-
BISWANATH, PIN-784168, ASSAM

VERSUS

THE STATE OF ASSAM AND OTHERS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, PERSONNEL DEPARTMENT, DISPUR, GUWAHATI-06

2:THE CHIEF SECRETARY CUM CHAIRMAN
OF THE STATE LEVEL COMMITTEE
ASSAM
DISPUR
GUWAHATI-06

3:THE SECRETARY
TO THE GOVT. OF ASSAM
DEPARTMENT OF SCHOOL EDUCATION
DISPUR
GUWAHATI-06

4:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19

5:THE DISTRICT COMMISSIONER
CUM CHAIRMAN OF THE DISTRICT LEVEL COMMITTEE
JORHAT
ASSAM
PIN-78700

Advocate for the Petitioner : MR P NEOG, MS. K SHARMA

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

BEFORE

HON'BLE MR. JUSTICE NELSON SAILO

O R D E R

07.01.2026

Heard Mr. R. De, learned counsel for the petitioner, Mr. B Deori, learned Government Advocate appearing for the State respondents and Ms. S. Konwar, learned Standing Counsel, Department of School Education (Elementary). Having regard to the nature of the case projected by the petitioner, the writ petition is taken up for disposal at this stage itself.

2. The petitioner had earlier approached this Court by filing WP(C) No.3370/2024 and the same was disposed of vide order dated 26.05.2025 by setting aside the State Level Committee minutes meeting dated 16.06.2016 insofar as the petitioner was concerned and the petitioner was remanded back to the State Level Committee for reconsidering the case of the petitioner in terms of the recommendation made by the District Level Committee in its meeting held on 11.09.2013. Such direction was made after coming to a finding that there was a clear vacancy for the year 2006-07 for appointment on compassionate ground under the 5% reserved quota. Despite the direction, since the case of the petitioner has not been considered and the petitioner apprehending that his case will not be considered in view of the Office Memorandum dated 18.09.2024 (Annexure-6) issued by the Government of Assam in the Personnel (B) Department, he has approached this Court once again.

3. It is seen that there are no materials to indicate that the order dated 26.05.2025 passed in WP(C) No.3370/2024 has been challenged before the appellate forum and further the Office Memorandum dated 18.09.2024 provides for a bar to only those persons whose parents have expired on or before 31.03.2017, whereas the father of the petitioner admittedly expired/died in harness on 27.03.2012. Therefore, the Office Memorandum cannot be a bar for considering the case of the petitioner. The State Government in the Personnel Department have also issued notice on 30.08.2025 and also an Executive Order dated 30.08.2025. But having regard to the specific direction given by this Court on 26.05.2025 in WP(C) No.3370/2024, the same cannot be a bar for considering the case of the petitioner in terms of the said direction.

4. In view of above, the writ petition is disposed of in terms of the order dated 26.05.2025 and the respondent authorities will be required to comply with the same as was directed.

5. The writ petition stands disposed of.

JUDGE

Comparing Assistant