

GAHC010290052025



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

Case No. : WP(C)/1003/2026

NAZIB UDDIN LASKAR
S/O LATE ABDUL KAYUM LASKAR, VILLAGE DAKSHIN SONAPUR PART-I,
P.O. MATIJURI, P.S. HAILAKANDI, DISTRICT HAILAKANDI, ASSAM

VERSUS

THE STATE OF ASSAM and others
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF ASSAM, PERSONNEL DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM

IRRIGATION DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE STATE LEVEL COMMITTEE (SLC)

REPRESENTED BY CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI-6.

4:THE DISTRICT LEVEL COMMITTEE(DLC)

HAILAKANDI
REPRESENTED BY ITS CHAIRMAN/DISTRICT COMMISSIONER
HAILAKANDI
ASSAM.

5:THE DEPUTY SECRETARY

TO THE GOVT. OF ASSAM

PERSONNEL DEPARTMENT
DISPUR

6:THE EXECUTIVE ENGINEER
HAILAKANDI IRRIGATION DIVISION
HAILAKANDI
ASSAM.

7:THE CHIEF ENGINEER
IRRIGATION DEPARTMENT
ASSAM
CHANDNARI
GUWAHATI

Advocate for the Petitioner : MS A BEGUM, MR. A M BARBHUIYA

Advocate for the Respondent : GA, ASSAM, SC, IRRIGATION

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

27.02.2026

Heard Mr. A.M Barbhuiya, learned counsel for the petitioner. Also heard Mr. R Dhar, learned counsel for the respondents.

2. This writ petition has been filed by the petitioner for non-consideration of the appointment on compassionate ground.

3. The father of the petitioner while serving as Grade-IV employee in the office of the Executive Engineer, Hailakandi Division, died-in-harness on 01-10-2008. After expiry of his father, the mother of the petitioner initially applied for appointment on compassionate ground. However, the same was not considered. The petitioner, after attaining the age of majority, made an application in the year 2013 praying for compassionate appointment which was also not considered by the District Level Committee. The petitioner then preferred a writ petition before this Court and vide order dated 22.04.2024 passed in W.P(C) No.

233/2024, the writ petition was disposed of with the following directions:

“On consideration of the affidavit filed by the respondent No. 4, this writ petition is disposed of directing the concerned DLC to consider the case of the petitioner in its next immediate sitting as per law.”

4. Thereafter, vide Office Memorandum dated 18.09.2024, issued by the Commissioner & Secretary to the Government of Assam, Personnel (B) Department, whereby the Government’s policy/scheme of providing appointment to a family member of a Government servant on compassionate grounds has been done away with in complete supersession of the earlier Office Memorandums, Notifications and Policy/Schemes relating to compassionate appointments. Being aggrieved, the petitioner filed another writ petition being W.P(C) No. 3065/2025 before this Court challenging the said Office Memorandum dated 18.09.2024 and this Court vide order dated 05.12.2025 disposed of the writ petition with the following directions:

“8. Having considered that the State respondents have issued a notice to submit the applications/requisite documents to persons seeking compassionate appointment prior to the issuance of the Office Memorandum dated 18.09.2024 and that the petitioner has already submitted the application and required documents to the concerned authorities, I am of the view that no further adjudication is necessary in this proceedings. Accordingly, the writ petition is closed and disposed of.

9. It is needless to observed that since the petitioner has submitted his application with requisite documents as sought by the respondent authorities, the same shall be considered in accordance with law.”

5. During the pendency of the Writ Petition being W.P(C) No. 3065/2025, the Government of Assam, Personnel Department had issued an Executive order dated 30.08.2025 followed by the Notice dated 30.08.2025 wherein it was mentioned that only those petitioners who have challenged the Office Memorandum dated 18.09.2024 including those similar cases which has been

disposed of by the Gauhati High Court vide the Judgment and Order dated 03.04.2025 passed by this Court in W.P(C) No. 342/2025 till the date of publication of the Notice dated 30.08.2025 were permitted to submit their documents/information in the prescribed format as mentioned in the notice. It is also mentioned in the Notice that the required documents/information shall be directly submitted to the Office of the Secretary to the Government of Assam, Personnel Department by registered post on or before 15.09.2025. Receipt of such application in the said office at a later date than the mentioned date, will not be considered. It was further mentioned that application not submitted with the details sought for are not to be considered.

6. Having heard the learned counsel for the parties and upon perusal of the pleadings on record, it is seen that the Government issued an Executive Order dated 30.08.2025 followed by a Notice dated 30.08.2025, wherein it was specified that only those petitioners who had challenged the Office Memorandum dated 18.09.2024, including similar cases disposed of by this Court vide Judgment and Order dated 03.04.2025 passed in W.P.(C) No. 342/2025 till the date of publication of the said Notice dated 30.08.2025, would be entitled to the benefit thereof.

7. The petitioner had assailed the Office Memorandum dated 18.09.2024 in W.P.(C) No. 3065/2025. Since the petitioner does not fall within the category of similar cases disposed of by the Judgment and Order dated 03.04.2025, it is evident that the petitioner cannot claim the benefit of the Executive Order and the Notice dated 30.08.2025. There is also no finding on fact or any directions by the Co-ordinate Bench on the challenge made by the writ petitioner to the Office Memorandum dated 18.09.2024. There is also averment made in the writ petition or any contention raised by the petitioner as to why it was not urged

before the Court while W.P(C) No. 3065/2025 was disposed of by order dated 05.12.2025 that the case of the petitioner was required to be considered by the respondents in terms of the direction passed by another Co-ordinate Bench by order dated 03.04.2025 in W.P(C) No. 342/2025. It is apparent from a perusal of the order dated 05.12.2025 passed in W.P(C) No. 3065/2025 that no such prayer was made before the Co-ordinate Bench and consequently no specific directions were issued by this Court. Furthermore the order dated 05.12.2025 disposing of the W.P(C) No. 3065/2025 was a consent order.

8. Considering the above, the writ petition being devoid of merits and the same is accordingly dismissed.

JUDGE

Comparing Assistant