

GAHC010063832024



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

Case No. : I.A.(Civil)/998/2024

THE STATE OF ASSAM
REP BY SECRETARY TO THE GOVT. OF ASSAM, DEPT OF SCHOOL
EDUCATION GUWAHATI ASSAM

2: THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI 19

3: THE INSPECTOR OF SCHOOLS

BONGAIGAON DISTRICT CIRCLE
PO AND DIST BONGAIGAON
ASSAM
78338

VERSUS

ASRAFUL ISLAM
S/O LATE ABDUL AWAL, RESIDENT OF VILLAGE DUMURIA PART I,PS
ABHAYAPURI, DIST BONGAIGOAN, ASSAM, 783384

2:THE GENERAL ADMINISTRATION (B) DEPARTMENT

REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
DISPUR
GUWAHATI 781006

3:THE STATE LEVEL COMMITTEE
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR
GUWAHATI 781006

4:THE DISTRICT LEVEL COMMITTEE
REPRESENTED BY ITS CHAIRMAN CUM DEPUTY COMMISSIONER
BONGAIGAON
ASSAM 78338

Advocate for the Petitioner : MR. N J KHATANIAR

Advocate for the Respondent : GA, ASSAM

Linked Case : CRP/0/0

The Secretary To The Govt Of Assam And 2 Ors
DEPTT OF SCHOOL EDUCATION DEPTT DISPUR GUWAHATI 6

VERSUS

Asraful Islam And 3 Ors
BOGAIGAON

Advocate for : MR. NAYAN JYOTI KHATANIAR
Advocate for : appearing for Asraful Islam And 3 Ors

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

05/04/2024

(M.R. Pathak, J)

Heard Mr. N J Khataniar, learned Standing counsel, Education Department for the applicants.

2. This application has been filed by the State for condonation of delay of 217 days in preferring the connected appeal against the order dated 19.06.2023 passed by the learned Single Judge in WP(C) No. 1986/2023 (Asraful Islam Vs. State of Assam and 5 Others), whereby the Court considering the common judgment and order dated 30.01.2023 passed in WP(C) No. 1646/2021 and other connected cases allowed the said writ petition setting aside the Minutes of the State Level Committee for compassionate appointment dated 23.06.2022, whereby the case of the said writ petitioner was rejected for his compassionate appointment as the father of the petitioner who died in harness had less than 3 years of service pursuant to Clause-1 of the Office Memorandum No. ABP-50/2006/Pt/182

dated 01.06.2015 of the State Government in the Personnel (B) Department relating to appointment on compassionate ground of the dependants of the Government employee who dies-in-harness, retires prematurely on being declared permanently incapacitated for services and who is missing and whose whereabouts is not known for the last 7 years.

3. By the said order dated 19.06.2023 following the common judgment and order dated 30.01.2023 passed in WP(C) No. 1646/2021 and other connected cases, the learned Single Judge remanded the matter back to the State Level Committee for compassionate appointment to take a decision de-hors Clause-1 of the said Office Memorandum dated 01.06.2015.

4. While disposing of said WP(C) No. 1986/2023 by order dated 19.06.2023, the Court also observed that appeal against the said common judgment and order dated 30.01.2023 was pending, but there was no interim stay granted by the Division Bench.

5. It has been placed before the Court by Mr. Khataniar, learned Standing counsel, Education Department that Division Bench of this Court by an order dated 11.01.2024 passed in I.A. (Civil) No. 3787/2023 stayed the said judgment and order dated 30.01.2023 passed in WP(C) No. 3245/2021 and other connected cases, which was also part of WP(C) No. 1646/2021, noted above.

6. The applicant State could show sufficient reason to our satisfaction for condoning the delay of 217 days in preferring the connected appeal against the order dated 19.06.2023 passed in WP(C) No. 1986/2023 following the common judgment and order dated 30.01.2023 passed in WP(C) No. 1646/2021 and other connected cases.

7. Considering the above, the delay of 217 days in preferring the connected writ appeal by the applicant against the order dated 19.06.2023 passed in WP(C) No. 1986/2023 is hereby condoned.

8. Registry shall accordingly register and number the connected writ appeal and shall place it before the appropriate Bench.

JUDGE

JUDGE

Comparing Assistant