

GAHC010072852023



2025:GAU-AS:17234-DB

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

1. Writ Appeal No.287/2023

1. The State of Assam , represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati – 6.
2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Dipak Gogoi,
Son of Late Labu Rram Gogoi,
Village: Khumtai, PO: Khumtai, District : Golaghat, Assam,
PIN - 785619.

.....Respondent/Writ Petitioner

2. The Commissioner & Secretary to the Government of Assam, Higher Education Department, Dispur, Guwahati - 6.
3. The Director of Higher Education, Assam, Kahilipara, Guwahati - 19.
4. The District Level Committee (DLC), headed by the Deputy Commissioner, Golaghat, Assam.
5. The Inspector of Schools, Golaghat, Assam.

..... Proforma Respondents

2. Writ Appeal No.50/2024

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.
2. The Commissioner & Secretary to the Government of

Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Mithun Roy,
Son of Late Jogesh Chandra Roy,
Resident of Village: South Kalachup, PO: Purba Harinagar,
District: Karimganj, Assam, PIN - 788734.

.....Respondent/Writ Petitioner

2. The State of Assam, represented by the Commissioner & Secretary to the Government of Assam, Education (Secondary) Department, Dispur, Guwahati – 6.

3. The State Level Committee for Compassionate Appointment, represented by its Chairman-cum-the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.

3. The Director of Secondary Education, Assam, Kahilipara, Guwahati – 19.

4.The Inspector of Schools, Karimganj District Circle, Karimganj, Assam, PIN - 788710.

5. The District Level Selection Committee for Compassionate Appointment, represented by its Chairman-cum-the Deputy Commissioner, Karimganj, Assam, PIN – 788710.

..... Proforma Respondents

3. Writ Appeal No.51/2024

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.

2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Bikash Talukdar,
Son of Late Dibakar Talukdar,
Resident of Village: Bormakhibaha,
PO: Makhibaha, District: Nalbari, Assam.

.....Respondent/Writ Petitioner

2. The Additional Chief Secretary to the Government of Assam, Public Health Engineering Department, Dispur, Guwahati - 6.
3. The State Level Committee (SLC) for Compassionate Appointment, represented by the Chairman.
4. The District Level Committee (DLC) for Compassionate Appointment, Nalbari, headed by the Deputy Commissioner, Nalbari, Assam.

.....Proforma Respondents

4. Writ Appeal No.57/2024

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.
2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati -6.

.....Appellants

-Versus-

1. Navanita Gogoi,
Daughter of Late Premadhar Gogoi,
Resident of Village: Bhakat Gaon, PO: Ghilamara, District:
North Lakhimpur, Assam.

.....Respondent/Writ Petitioner

2. The State Level Selection Committee (For selection on Compassionate ground), represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati – 6.
3. The Additional Chief Secretary to the Government of Assam, Department of Personnel (B), Dispur, Guwahati – 6.
4. The Commissioner & Secretary to the Government of Assam, Education Department, Dispur, Guwahati – 6.
5. The District Level Committee, represented by the Deputy Commissioner, North Lakhimpur, PO and District: North Lakhimpur, Assam, PIN - 787001.

.....Proforma Respondents

5. Writ Appeal No.59/2024

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.
2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Sheikh Md. Saidul Islam,
Son of Late Abddus Sattar,
Resident of Village: Kalgachia, PO & PS: Kalgachia, PIN -
781319, District: Barpeta, Assam.

.....Respondent/Writ Petitioner

2. The Commissioner & Secretary to the Government of Assam, Panchayat & Rural Development Department, Government of Assam, Dispur, Guwahati - 6.
3. The Commissioner, Panchayat & Rural Development Department, Assam, Panjabari, Guwahati – 781037.
4. The Deputy Commissioner-cum-Chairman, District Level Committee (DLC) for Compassionate Appointment, District: Barpeta, Assam, PIN – 781301.
5. The Chief Executive Officer, Barpeta Zilla Parishad, Barpeta, District: Barpeta, Assam, PIN – 781301.

.....Proforma Respondents

6. Writ Appeal No.75/2024

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.
2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Gautam Das,
Son of Late Soneswar Das,
Resident of Village: Pachamtola,

PO: Champak Nagar, District: Kamrup (R), Assam.

.....Respondent/Writ Petitioner

- 2.The Additional Chief Secretary to the Government of Assam, PHE Department, Dispur, Guwahati - 6.
3. The Additional Chief Secretary to the Government of Assam, Department of Personnel (B), Dispur, Guwahati – 6.
4. The State Level Committee (SLC) for Compassionate Appointment, being represented by its Chairman, namely, the Chief Secretary to the Government of Assam, Dispur, Guwahati – 6.
5. The District Level Committee (DLC) for Compassionate Appointment, Nalbari, represented by the Deputy Commissioner, Nalbari-cum-Chairman, DLC, Nalbari.

.....Proforma Respondents

7. Writ Appeal No.78/2024

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.
2. Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Saraswati Sinha,
Daughter of Late Kulachandra Sinha,
Resident of Village: Bidyanagar, PO: Bidyanagar, District:
Karimganj, Assam.

.....Respondent/Writ Petitioner

2. The Commissioner & Secretary to the Government of Assam, Education (Elementary) Department, Dispur, Guwahati - 6.
3. The State Level Committee (SLC), represented by the Chief Secretary to the Government of Assam.
4. The District Level Committee (DLC), represented by its Chairman, the Deputy Commissioner, Karimganj, Assam.
5. The Director of Elementary Education, Assam, Kahilipara,

Guwahati – 19.

6. District Elementary Education Officer, KDC, Karimganj, PO: Karimganj, Assam.

.....Proforma Respondents

8. Writ Appeal No.79/2024

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.

2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Mehbub Alam Mazumder,
Son of Late Samsul Hoque Mazumder,
Resident of Village & PO: Algapur Part- V,
PS: Algapur, PIN - 788150, District: Hailakandi, Assam.

.....Respondent/Writ Petitioner

2. The Commissioner & Secretary to the Government of Assam, Education (Elementary) Department, Dispur, Guwahati – 6.

3. The Director of Elementary Education, Assam, Kahilipara, Guwahati - 19.

4. The District Level Committee (DLC), headed by the Deputy Commissioner, Hailakandi, Assam.

5. The Deputy Inspector of Schools, Hailakandi, Assam.

6. The District Elementary Education Officer, Hailakandi, PO & PS: Hailakandi, District: Hailakandi, Assam.

.....Proforma Respondents/

9. Writ Appeal No.80/2024

1. The State of Assam, represented by Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.

2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Bhaskar Konwar,
Son of Late Gobin Knowar,
Resident of Village: Timona Lunporia Gaon, PO: Lahowal,
District: Dibrugarh, Assam.

.....Respondent/Writ Petitioner

2. The State of Assam, represented by the Commissioner & Secretary to the Government of Assam, Secondary Education Department, Dispur, Guwahati - 6.

3. The State Level Committee (SLC) for Compassionate Appointment for Secondary Education Department being represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati – 6.

4. The Director of Secondary Education-cum-Director of Non-Formal & Adult Education, Assam, Jatia, Kahilipara Road, Guwahati - 19.

5. The District Level Committee for Compassionate Appointment, represented by the Deputy Commissioner, Dibrugarh, PO & District: Dibrugarh, Assam, PIN – 786001.

6. The District Adult Education Officer, Dibrugarh, PO & District: Dibrugarh, Assam, PIN - 786001.

.....Proforma Respondents

10. Writ Appeal No.82/2024

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.

2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati- 6.

.....Appellants

-Versus-

1. Kamal Dihingia,
Daughter of Late Gangaram Dihingia,
Village: Handique Milon, PO: Simen Chapori,
District: Dhemaji, Assam.

.....Respondent/Writ Petitioner

2. The Commissioner & Secretary to the Government of Assam, Irrigation Department, Dispur, Guwahati - 6.
3. The State Level Committee for Compassionate Appointment headed by the Chief Secretary to the Government of Assam.
4. The Joint Secretary to the Government of Assam, Transformation and Development Department, Dispur, Guwahati – 6.

.....Proforma Respondents

11. Writ Appeal No.83/2024

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati – 6.
2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Miss Kiran Mudoj,
Daughter of Late Satran Mudoj,
Resident of Village: Nonoi Mudojoni,
PO: Nonoi, District: Nagaon, Assam.

.....Respondent/Writ Petitioner

2. The State Level Committee (SLC) for Compassionate Appointment, represented by the Chief Secretary, Government of Assam, Dispur, Guwahati - 6.
3. The District Level Committee (DLC) for Compassionate Appointment, Nagaon, headed by the Deputy Commissioner, Nagaon, Assam.
4. The Superintendent of Police, Nagaon, PO & District: Nagaon, Assam.

.....Proforma Respondents

12. Writ Appeal No.85/2024

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.

2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Sri Deepal Dey,
Son of Late Dulal Chandra Dey,
Resident of S.P. Road, Badarpur, PO: Badarpur, District:
Karimganj, Assam, PIN -788710.

.....Respondent/Writ Petitioner

2. The Secretary to the Government of Assam,
Public Health Engineering Department, Dispur, Guwahati - 6.

3. The Chief Engineer, Public Health Engineering
Department, Hengrabari, Guwahati.

4. The District Level Committee (DLC), headed by the Deputy
Commissioner, Karimganj, PO: Karimganj.

5. The Executive Engineer, Public Health Engineering
Division, Karimganj, PO & District: Karimganj.

.....Proforma Respondents

13. Writ Appeal No.86/2024

1. The State of Assam, represented by the Chief Secretary to
the Government of Assam, Dispur, Guwahati - 6.

2. The Commissioner & Secretary to the Government of
Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Shariful Islam Akand,
Son of Late Safi Uddin Ahmed,
Resident of Village: Pokalagi, PO: Kamandanga, PS:
Tamarhat, District: Dhubri, Assam.

.....Respondent/Writ Petitioner

2. Commissioner & Secretary to the Government of Assam,
Education (Secondary) Department, Dispur, Guwahati – 6.

3. The Director of Secondary Education, Assam, Kahilipara, Guwahati – 19.

4. The District Level Committee for Compassionate Appointment headed by the Deputy Commissioner, Dhubri, PO & District: Dhubri, PIN – 783301.

.....Proforma Respondents

14. Writ Appeal No.98/2024

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.

2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Malin Nath,
Son of Late Gangadhar Nath,
Resident of Phehura Khuwa, PO: Bhulukadoba, District:
Barpeta, Assam, PIN – 781301.

.....Respondent/Writ Petitioner

2. The Commissioner & Secretary to the Government of Assam, Department of School Education Dispur Guwahati - 6.

3. The Commissioner & Secretary to the Government of Assam, Department of Panchayat & Rural Development, Dispur – 6, Assam.

4. The Director of Elementary Education, Assam, Kahilipara, Guwahati - 19.

5. The Commissioner, Panchayat & Rural Development Department, Assam, Panjabari, Juripar, Guwahati - 37.

6. The Deputy Commissioner-cum-the Chairman, District Level Selection Committee on Compassionate Ground, District: Barpeta, Assam, PIN – 781301.

7. The District Elementary Education Officer, Barpeta, District: Barpeta, Assam.

.....Proforma Respondents

15. Writ Appeal No.103/2024

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.
2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Kashmiri Deka,
Son of Late Khargeswar Deka,
Resident of Village: Keotpara,
PS: Mangaldai, District: Darrang, Assam.

.....Respondent/Writ Petitioner

2. The State of Assam, represented by the Chief Secretary, Government of Assam-cum-Chairman, State Level Selection Committee on Compassionate Ground, Dispur, Guwahati - 6.
3. The Commissioner & Secretary to the Government of Assam, Home & Political Department, Dispur, Guwahati - 6.
4. The Director General of Police, Assam, Ulubari, Guwahati - 7.
5. The District Level Committee on Compassionate Ground, represented by the Deputy Commissioner, District: Baksa, Mushalpur, Assam, Pin - 781372.
6. The Superintendent of Police, Baksa (BTAD), Mushalpur.

.....Proforma Respondents

16. Writ Appeal No.104/2024

1. State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati- 6.
2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati- 6.

.....Appellants

-Versus-

1. Jitu Das,
Son of Late Maniram Das,

Resident of Village: Gharmora, PO: Gharmora, PS: North Lakhimpur, District: Lakhimpur, PIN - 787032, Assam.

.....Respondent/Writ Petitioner

2. The Commissioner & Secretary to the Government of Assam, Public Health Engineering Department, Dispur, Guwahati- 6.

3. The Chief Engineer, Public Health Engineering Department, Hengrabari Health Complex, Hengrabari Road, Guwahati- 781036.

4. The District Level Committee for Compassionate Appointment, represented by the Deputy Commissioner-cum-Chairman, Lakhimpur, Assam, PIN- 787001.

.....Proforma Respondents

17. Writ Appeal No.123/2024

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 06.

2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 06.

.....Appellants

-Versus-

1. Pankaj Phukan,
Son of Late Dambaru Phukan,
Resident of Village: Safrai Mohan Gaon,
PO: Mon Mohan, PS: Sonari, District: Charaideo, Assam.

.....Respondent/Writ Petitioner

2. The Commissioner & Secretary to the Government of Assam, Education (Elementary) Department, Dispur, Guwahati-6.

3. The Director, Elementary Education, Assam, Kahilipara, Guwahati - 781019.

4. The Deputy Commissioner-cum-Chairman of District Level Committee, Sivasagar District, Assam, PIN - 785640.

5. The Deputy Commissioner, Charaideo District, Assam, PIN

- 785640.

6. The District Elementary Education Officer, Sivasagar, Assam.

7. The Deputy Inspector of Schools, Charaideo, Sonari, Assam - 785690.

.....Proforma Respondents

18. Writ Appeal No.125/2024

1. State Of Assam, represented by the Chief Secretary-cum-Chairman, State Level Committee for Compassionate Appointment, Dispur, Guwahati - 6.

2. The Commissioner & Secretary to the Government of Assam, Cooperation Department, Dispur, Guwahati - 6.

3. The Deputy Secretary to the Government of Assam, Cooperation Department, Dispur, Guwahati - 6.

4. The Registrar, Cooperative Societies, Assam, Khanapara, Guwahati.

5. The District Deputy Registrar, Cooperative Societies, Barpeta.

.....Appellants

-Versus-

1. Mamidul Hassan,
Son of Late Abdul Barek,
Resident of Village- Dabalia Para, PS: Howly,
PIN - 781316, District: Barpeta,, Assam.

.....Respondent/Writ Petitioner

2. The District Level Committee for Compassionate Appointment, represented by the Chairman, the Deputy Commissioner, Barpeta, Assam.

.....Proforma Respondent

19. Writ Appeal No.126/2024

1. The Secretary to the Government of Assam, Department of School Education, Dispur, Guwahati - 781006.

2. The Director of Secondary Education, Assam, Kahilipara, Guwahati - 19.

3. The Inspector of Schools, Bongaigaon District Circle, P.O. & District-Bongaigaon, Assam - 783380.

.....Appellants

-Versus-

1. Asrful Islam,
Son of Late Abdul Awal,
Resident of Village: Dumuria Pt-I, PS: Abhayapuri, District:
Bongaigaon, Assam, PIN - 783384.

.....Respondent/Writ Petitioner

2. The General Administration (B) Department, represented by the Commissioner & Secretary to the Government of Assam, Dispur, Guwahati - 781006.

3. The State Level Committee, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 781006.

4. The District Level Committee, represented by its Chairman-cum-Deputy Commissioner, Bongaigaon, Assam, PIN - 783380.

.....Proforma Respondents

20. Writ Appeal No.130/2024

1. State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.

2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Bedabrot Saikia
Son of Late Gunin Saikia,
Resident of Village: Sarulangtha, PO: Dhansiri Sarupathar,
PIN - 785601, District: Golaghat, Assam.

.....Respondent/Writ Petitioner

2. The State Level Committee for Compassionate

Appointment, represented by the Chairman.

3. The Commissioner & Secretary to the Government of Assam, Panchayat & Rural Development, Dispur, Guwahati - 6.

4. The Commissioner, Department of Panchayat & Rural Development, Panjabari, Juripar, PO: Sixmile, Khanapara, Guwahati - 781037.

5. The Commissioner & Secretary to the Government of Assam, General Administration Department, Dispur, Guwahati - 6.

6. The District Level Committee for Compassionate Appointment, represented by the Chairman, the Deputy Commissioner, Golaghat, Assam, PIN - 785621.

.....Proforma Respondents

21. Writ Appeal No.133/2024

1. State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.

2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Dilshad Ahmed Laskar,
Son of Late Akmal Uddin Laskar,
Resident of Satsanga Ashram Road, Silchar, PO & PS: Silchar,
District: Cachar, Assam, Pin - 788007.

.....Respondent/Writ Petitioner

2. The State of Assam, represented by the Commissioner & Secretary to the Government of Assam, Water Resource Department, Dispur, Guwahati - 6.

3. The State Level Selection Committee for Compassionate Appointment, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.

4. The District Level Selection Committee for Compassionate Appointment, represented by the Deputy Commissioner,

Cachar, Silchar.

5. The Chief Engineer, Water Resource Department, Chandmari, Guwahati - 3.

6. The Executive Engineer, Silchar Water Resource Division, Silchar, District – Cachar, PIN - 788001.

.....Proforma Respondents

22. Writ Appeal No.146/2024

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.

2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati- 6.

.....Appellants

-Versus-

1. Chuity Baishya,
Daughter of Late Chakreswar Baishya,
Resident of Village: Dhamdhama, PO: Niz Dhamdhama, PS:
Ghagrapar, PIN - 781369, District: Nalbari, Assam.

.....Respondent/Writ Petitioner

2. The Commissioner & Secretary to the Government of Assam, Secondary Education Department, Dispur, Guwahati - 6.

3. The Director of Secondary Education, Assam, Kahilipara, Guwahati - 19.

4. The Inspector of Schools, Nalbari District Circle, District: Nalbari, Assam.

5. The District Level Committee (DLC), headed by Deputy Commissioner, Nalbari, Assam.

6. The State Level Committee for Compassionate Appointment, represented by the Chairman.

.....Proforma Respondents

23. Writ Appeal No.153/2024

1. The State of Assam, represented by the Chief Secretary to

the Government of Assam, Dispur, Guwahat - 6.

2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati.

.....Appellants

-Versus-

1. Babul Das,
Son of Late Padma Das,
Resident of Solmara, PO: Jurkota,
PS: Dhemaji, District- Dhemaji, Assam.

.....Respondent/Writ Petitioner

2. The Commissioner & Secretary to the Government of Assam, Irrigation Department, Dispur, Guwahati - 6.

3. The State Level Committee for Compassionate Appointment, Headed by the Chief Secretary to the Government of Assam.

4. The Deputy Secretary to the Government of Assam, Finance Department, Dispur, Guwahati - 6.

5. The Deputy Commissioner, Dhemaji, Dhemaji, Assam.

.....Proforma Respondents

24. Writ Appeal No.156/2024

1. The State of Assam , represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.

2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Debananda Bharali,
Son of Late Upen Bharali,
Resident of Village: Ghilamara,
District: Dhemaji, Assam.

.....Respondent/Writ Petitioner

2. The Chief Secretary to the Government of Assam-cum-

Chairman, State Level Committee, Dispur, Guwahati - 6.

3. Principal Secretary to the Government of Assam, Irrigation Department, Dispur, Guwahati - 6.

4. Commissioner & Secretary to the Government of Assam, Irrigation Department, Dispur, Guwahati.

5. Chief Engineer, Irrigation Department, Chandmari, Guwahati.

6. Executive Engineer, Irrigation Department, Dhemaji Division, Dhemaji.

.....Proforma Respondents

25. Writ Appeal No.200/2024

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 781006.

2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Pranjit Sarmah,
Son of Late Ganganath Sarmah,
Resident of Village: Bholaguri,
PO: Bholaguri, District: Lakhimpur, Assam.

.....Respondent/Writ Petitioner

2. The Additional Chief Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 6.

3. The Commissioner to the Government of Assam, Education (Elementary) Department, Dispur, Guwahati - 6.

4. The Director of Elementary Education, Assam, Kahilipara.

5. The Deputy Commissioner-cum-Chairman of District Level Committee, Lakhimpur.

6. The Deputy Commissioner, Lakhimpur.

7. The District Elementary Education Officer, Lakhimpur, Assam.

8. The Deputy Inspector of Schools, Lakhimpur.

.....Proforma Respondents

26. Writ Appeal No.224/2024

1. State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.

2. The Commissioner & Secretary to the Government of Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Bikram Nath,
Son of Late Gunaram Nath,
Resident of Village: Jatakia Nath Gaon,
PO: Jatakia, PIN - 785666, District: Sivasagar, Assam.

.....Respondent/Writ Petitioner

2. The Commissioner & Secretary to the Government of Assam, Education (Higher) Department, Dispur, Guwahati - 6.

3. The Director of Higher Education, Assam, Kahilipara, Guwahati - 19.

4. The District Level Committee (DLC), Headed by the Deputy Commissioner, Sivasagar, Assam, Pin - 785640.

5. The Deputy Commissioner-cum-Chairman, District Level Committee, District: Sivasagar.

6. The Principal Cum Secretary, Sibsagar College, Joysagar, PO: Sivasagar, PIN - 785665.

7. The State Level Committee, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.

.....Proforma Respondents

27. Writ Appeal No.230/2024

The State of Assam, represented by the Secretary to the Government of Assam, Department of School Education,

Dispur, Guwahati – 781006.

.....Appellant

-Versus-

1. Debashree Taid ,
Daughter of Late Lakhya Nath Taid,
Resident of Village/Town: North Lakhimpur Town, Ward No.5,
Chetia Gaon, District: Lakhimpur, Assam, PIN - 786001.

.....Respondent/Writ Petitioner

2. The Chief Secretary-cum-Chairman, State Level
Committee for Compassionate Appointment to the
Government of Assam, Dispur, Guwahati - 06.

3. The District Level Committee for Appointment on
Compassionate Ground, represented by the Deputy
Commissioner, North Lakhimpur, Assam - 786001.

.....Proforma Respondents

28. Writ Appeal No.243/2024

1. State of Assam, represented by the Chief Secretary to the
Government of Assam, Dispur, Guwahati - 6.

2. The Commissioner & Secretary to the Government of
Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Shri Keshab Kumar Chetry,
Son of Late Gopal Bahadur Yogi,
Resident of Gosaigaon Hgakhir Chowk, Pachim Boragaon, PO
& PS: Garchuk, PIN - 781035, District: Kamrup (Metro),
Assam.

.....Respondent/Writ Petitioner

2. The Commissioner & Secretary to the Government of
Assam, Secondary Education Department, Dispur, Guwahati -
06.

3. The State Level Committee for Compassionate
Appointment, Government of Assam, Dispur, Guwahati - 06,
Assam.

4. The Director Of Secondary Education, Assam, Kahilipara, Guwahati - 781019.

5. The District Level Committee (DLC), represented by the Deputy Commissioner, Kamrup (Metro), Hengrabari, Guwahati - 36, Assam.

6. The Inspector of Schools, Kamrup District Circle, Panbazar, Guwahati - 781001, Assam.

.....Proforma Respondents

29. Writ Appeal No.244/2024

1. The State of Assam, represented by the Secretary to the Government of Assam, Department of School Education, Dispur, Guwahati - 781006.

2. The Director of Secondary Education, Assam, Kahilipara, Guwahati - 19.

3. The Inspector Of Schools, Nalbari District Circle, PO & District: Nalbari, Assam, PIN - 781335.

.....Appellants

-Versus-

1. Khanin Haloi,
Son of Kandarpa Haloi,
Resident of Village: Jalkhana, PO: Jalkhana, District: Nalbari,
Assam, PIN - 781378.

.....Respondent/Writ Petitioner

3. The Deputy Commissioner-cum-Chairman, District Level Committee, Nalbari, District- Nalbari, Assam, PIN - 781335

2. The State Level Committee, represented by Chief Secretary to the Government of Assam, Dispur, Guwahati - 781006.

.....Proforma Respondents

30. Writ Appeal No.265/2024

1. The State of Assam, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati - 6.

2. The Commissioner & Secretary to the Government of

Assam, Personnel (B) Department, Dispur, Guwahati - 6.

.....Appellants

-Versus-

1. Suhel Alom Choudhury,
Son of Late Nasir Uddin Choudhury,
Resident of Village: Rupaibali, PO: Hazarigram Bazar, PS:
Lakhipur, District: Cachar, Assam.

.....Respondent/Writ Petitioner

2. The Commissioner & Secretary to the Government of
Assam, Education (Elementary) Department, Dispur,
Guwahati – 6.

3. The Director of Elementary Education, Assam, Kahilipara,
Guwahati - 19.

4. The District Level Committee for Compassionate
Appointment headed by the Deputy Commissioner, Cachar,
PO: Silchar, District: Cachar.

5. The State Level Committee, represented by the Chief
Secretary to the Government of Assam, Dispur, Guwahati - 6.

6. The District Elementary Education Officer, Cachar, PO &
District: Cachar, Assam.

.....Proforma Respondents

31. Writ Appeal No.322/2024

1. The State of Assam, represented by the Secretary to the
Government of Assam, Department of School Education,
Dispur, Guwahati – 781006.

2. The Director of Secondary Education, Assam, Kahilipara,
Guwahati - 19.

3. The Inspector of Schools, Dhubri District Circle, PO &
District: Dhubri, PIN - 783324.

.....Appellants

-Versus-

1. Saiful Islam,
Son of Late Manjil Ali Sheikh,

Resident of Village: Kulamuya Choto Nichinpur, PO: Medortary, District: Dhemaji, Assam, PIN - 783330.

.....Respondent/Writ Petitioner

2. The Deputy Commissioner, Dhubri-cum-Chairman of the District Level Committee, Dhubri, District: Dhubri, Pin - 783324.

3. The State Level Committee, represented by the Chief Secretary to the Government of Assam-cum-Chairman of State Level Committee, Dispur, Guwahati - 781006.

4. The District Level Committee, Dhubri, represented by its Chairman Deputy Commissioner, Dhubri, PO & District: Dhubri, PIN - 783324.

.....Proforma Respondent

32. Writ Appeal No.322/2025

1. The State of Assam, represented by the Secretary to the Government of Assam, Department of School Education, Dispur, Guwahati - 781006.

2. The Director of Elementary Education, Assam, Kahilipara, Guwahati - 19.

.....Appellants

-Versus-

1. Kuhima Kuli,
Son of Late Moniram Kuli,
Resident of Kulajan Gaon, PO: Kulajan Tiniali, District:
Dhemaji, Assam, PIN - 787110.

.....Respondent/Writ Petitioner

2. The District Level Committee for Appointment on Compassionate Ground, represented by the Deputy Commissioner, Dhemaji, Assam, PIN - 787057.

3. The State Level Committee for Appointment on Compassionate Ground, represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati – 781006.

.....Proforma Respondents

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

For the Appellants : Mr. D. Saikia, Advocate General, Assam, assisted by Ms. P. Baruah, Advocate.
: Mr. D. Nath, Senior Government Advocate, Assam.
: Mr. D. Saikia, Advocate General, Assam, assisted by Ms. P. Baruah, Advocate.
: Mr. N.J. Khataniar, Standing Counsel, Education Department.
: Ms. A. Das, Standing Counsel, Education Department.
: Mr. D.K. Sharma, Additional Senior Government Advocate, Assam.
: Ms. R. Baruah, Advocate.

For the Private Respondents : Mr. D.P. Chaliha, Senior Advocate, assisted by Ms. M. Ray, Advocate.
: Mr. F.U. Barbhuiya, Advocate.
: Mr. N. Hossain, Advocate.
: Mr. A.M. Barbhuiya, Advocate.
: Mr. J. Ali, Advocate.
: Mr. M. Khan, Advocate.
: Mr. B.K. Gogoi, Advocate.
: Mr. J.I. Borbhuiya, Advocate.
: Ms. A. Devi, Advocate.
: Mr. I.H. Saikia, Advocate.
: Mr. M. Kalita, Advocate.
: Mr. R. Boro, Advocate.
: Mr. K.R. Patgiri, Advocate.
: Mr. A.M. Ahmed, Advocate.
: Mr. A. Barman, Advocate.

For the Proforma Respondents : Mr. D.K. Sharma, Additional Senior Government Advocate, Assam.
: Mr. N.J. Khataniar, Standing Counsel, Education Department.
: Ms. A. Das, Standing Counsel, Education Department.
: Ms. R. Barua, Standing Counsel, Education Department.

Dates of Hearing : 11.12.2025 and 12.12.2025.

Date of Judgment : **12.12.2025**

JUDGMENT & ORDER (ORAL)

(Ashutosh Kumar, CJ)

In these set of writ appeals, the State has challenged the judgment of the learned Single Judge dated 30.01.2023 passed in analogous writ petitions, the lead case being WP(C) No.1646/2021, striking down Clause 1 of the Office Memorandum dated 01.06.2015, which imposed an eligibility cut-off for compassionate appointment, namely, that the dependants of a deceased Government employee who died in harness, would not be entitled to compassionate appointment if the deceased Government employee had less than 3(three) years of service remaining at the time of his death.

2. The offending Clause 1 of the Office Memorandum dated 01.06.2015 is being extracted herein below:-

“(1) Only one dependent family member of a Government servant appointed on regular basis - excluding one working on daily wage or casual or apprentice or ad-hoc or contract or re-employment basis - who die in harness or become incapacitated due to accidents suffered while on duty and is eligible to opt for invalid pension under relevant provision of Service Rule/Pension Code and/or who is missing is eligible for making application for compassionate appointment provided in each case the Government servant has balance of minimum of 3 years of service.”

3. Several writ petitions were filed impugning the Office Memorandum dated 01.06.2015.

The learned Single Judge, as noted above, declared Clause 1 of the said Office Memorandum to be unconstitutional for it being violative of Article 14 of the Constitution of India and directed the authorities to reconsider the rejected cases afresh.

4. The State had defended Clause 1 of the Office Memorandum dated 01.06.2015 as a rational classification intended to prevent fraud and misuse; the said Office Memorandum being in conformity with the 10(ten) principles enunciated for compassionate appointment in the case of ***Achyut Ranjan Das & Ors. -Vs- State of Assam & Ors. :: 2006 (4) GLT 674*** and it being in sync with the Office Memorandum dated 16.01.2013 of the Department of Personnel & Training, Government of India, which too was referred to before framing the Office Memorandum dated 01.06.2015.

It was also contended that compassionate appointment is an exception to the merit based recruitment under Articles 14 & 16 of the Constitution of India and is not a vested right but a humanitarian concession to prevent destitution. The 3(three) year condition is justified as it compliments family pension benefits. The State also pointed out that the Office Memorandum dated 01.06.2015 now stands superseded by a new Scheme vide Office Memorandum No.FEG.28/2017/26 dated 14.09.2017 issued by the Finance Department, which actually replaces Compassionate Appointments with Compassionate Family Pension Scheme providing enhanced pension benefits instead.

5. Mr. D. Saikia, learned Advocate General, Assam appearing for the appellant/State has referred to the judgment of the Supreme Court in ***State of West Bengal -Vs- Debabrata Tiwari & Ors.:: (2025) 5 SCC 712***, wherein it has been conclusively held that the delay of several years, whether the delay was occasioned on the part of the applicant in claiming compassionate appointment; or on the part of the authorities in

deciding such claims, the sense of immediacy is diluted and lost. The financial circumstances of the family of the deceased may have changed in the meantime for the better since the time of the death of the Government employee. It was held by the Supreme Court, therefore, that the Courts or other relevant authorities would be required to be guided by the fact that for such prolonged period of delay, the family of the deceased was able to sustain themselves, most probably by availing gainful employment from some other source. Granting compassionate appointment in such case, would amount to treating a claim of compassionate appointment as though it were a matter of inheritance based on a line of succession, which is contrary to the Constitution. Since the compassionate appointment is not a vested right and the same is relative to the financial condition and hardship faced by the dependants of the deceased Government employees as a consequence of his/her death, a claim for compassionate appointment may not be entertained after lapse of a considerable period of time since the death of the Government employee.

In that view of the matter, the learned Advocate General contends that relegating the cases of the writ petitioners to the concerned authorities would be a colossal waste of time as 10(ten) years or more have already elapsed since the death of the deceased Government employees in the cases of all the writ petitioners.

The issue with respect to correctness of the decision of the learned Single Judge in striking down Clause 1 of the Office Memorandum dated 01.06.2015 as unconstitutional has thus become academic.

Even if the judgment impugned is allowed to stand, the concerned State authorities shall be under obligation to consider the applications of the private respondents on the touch-stone of passage of time, which the private respondents could tide off and survived the travails, notwithstanding their eligibility entitlement.

Relegating the respondents to the concerned authorities would only multiply the litigation, giving false hopes to them.

6. The learned Advocates appearing for the private respondents, however, have submitted that the judgment in question is highly sustainable. The learned Single Judge tested the offending Clause in the Office Memorandum dated 01.06.2015 on the touch-stone of whether the classification was founded on an intelligible differentia and whether there was a rational nexus between the differentia and the object sought to be achieved. The learned Single Judge has rightly relied on **D.S. Nakara & Ors. -Vs- Union of India & Ors. :: (1983) 1 SCC 305**, wherein it was held that where a class is homogenous and the Scheme in question creates an artificial division within it without any rational basis, it is liable to be struck down.

The learned Advocates for the private respondents have also referred to the judgment of the Supreme Court in **Canara Bank -Vs- Ajithkumar G.K. :: 2025 SCC OnLine 290**, wherein the claim of the person seeking appointment on compassionate ground was determined on the basis of the Scheme which was applicable at the time of death and it was held that lapse of time, may be a major factor for denying compassionate appointment where the claim is lodged belatedly, and a

presumption can legitimately be drawn in cases of belated claims that the family of the deceased employee is not in immediate need of financial assistance. However, what would be a reasonable time would largely depend on the Policy/Scheme for compassionate appointment under consideration. If any time limit has been prescribed for making an application and claimant applies within such period, lapse of time cannot be assigned as a ground of rejection.

7. The rationale behind Policy of compassionate appointment is to mitigate the hardship caused due to death of the bread-earner in the family. The claim for compassionate appointment ought not to be delayed as it is an emergent provision to redeem the family in distress. However, appointment on compassionate grounds cannot be deemed to be a source of recruitment but only a means to enable the family of the deceased to get over a sudden financial crisis. [Refer to **Smti. Sushma Gosain & Ors. -Vs- Union of India & Ors. :: (1989) 4 SCC 468; Umesh Kumar Nagpal -Vs- State of Haryana & Ors. :: (1994) 4 SCC 138** and **State of Haryana & Anr. -Vs- Ankur Gupta :: (2003) 7 SCC 704**].

8. However, in **Haryana State Electricity Board & Anr. -Vs- Hakim Singh :: (1997) 8 SCC 85**, the Supreme Court cautioned that it should not be forgotten that compassionate appointment is to give succour to the family to tide over the sudden financial crisis that befalls the dependants on account of untimely demise of the sole earning member but it would not be justified in directing appointment for claimants on compassionate grounds after long passage of time since death. Such a direction would amount to treating the claim of compassionate appointment as an

inherent right. [Also refer to **Jagdish Prasad -Vs- State of Bihar & Anr. :: (1996) 1 SCC 301; I.G. (Karmik) & Ors. -Vs- Prahalad Mani Tripathi :: (2007) 6 SCC 162; Mumtaz Yunus Mulani -Vs- State of Maharashtra :: (2008) 11 SCC 384** and **State of J&K & Ors. -Vs- Sajad Ahmed Mir :: (2006) 5 SCC 766**].

9. The Supreme Court recently in **Debabrata Tiwari** (supra), after analyzing several Supreme Court judgments on the issue, formulated the principles governing compassionate appointment as follows:-

“32. On consideration of the aforesaid decisions of this Court, the following principles emerge:

32.1. That a provision for compassionate appointment makes a departure from the general provisions providing for appointment to a post by following a particular procedure of recruitment. Since such a provision enables appointment being made without following the said procedure, it is in the nature of an exception to the general provisions and must be resorted to only in order to achieve the stated objectives i.e. to enable the family of the deceased to get over the sudden financial crisis.

32.2. Appointment on compassionate grounds is not a source of recruitment. The reason for making such a benevolent scheme by the State or the public sector undertaking is to see that the dependants of the deceased are not deprived of the means of livelihood. It only enables the family of the deceased to get over the sudden financial crisis.

32.3. Compassionate appointment is not a vested right which can be exercised at any time in future. Compassionate employment cannot be claimed or offered after a lapse of time and after the crisis is over.

32.4. That compassionate appointment should be provided immediately to redeem the family in distress. It is improper to keep such a case pending for years.

32.5. In determining as to whether the family is in financial crisis, all relevant aspects must be borne in mind including the income of the family, its liabilities, the terminal benefits if any, received by the family, the age, dependency and marital status of its members, together with the income from any other source.”

10. After having formulated the afore-noted principles regarding compassionate appointment, the Supreme Court in the afore-noted case of **Debabrata Tiwari** (supra), while answering the poser whether applications for compassionate appointment could be considered after a delay of several years, held as follows:-

“35. we are of the view that, in a case where, for reasons of prolonged delay, either on the part of the applicant in claiming compassionate appointment or the authorities in deciding such claim, the sense of immediacy is diluted and lost. Further, the financial circumstances of the family of the deceased, may have changed, for the better, since the time of the death of the government employee. In such circumstances, courts or other relevant authorities are to be guided by the fact that for such prolonged period of delay, the family of the deceased was able to sustain themselves, most probably by availing gainful employment from some other source. Granting compassionate appointment in such a case, as noted by this Court in Hakim Singh [Haryana SEB v. Hakim Singh, (1997) 8 SCC 85 : 1998 SCC (L&S) 31] would amount to treating a claim for compassionate appointment as though it were a matter of inheritance based on a line of succession which is contrary to the Constitution. Since compassionate appointment is not a vested right and the same is relative to the financial condition and hardship faced by the dependants of the deceased government employee as a consequence of his death, a claim for compassionate appointment may not be entertained after lapse of a considerable period of time since the death of the government employee.”

11. This judgment further took note of the observations of the Supreme Court in **State of Uttaranchal & Anr. -Vs- Shiv Charan Singh Bhandari & Ors. :: (2013) 12 SCC 179** that *“even if the court or Tribunal directs for consideration of representations relating to a stale claim or dead grievance, it does not give rise to a fresh cause of action. The dead cause of action cannot rise like a phoenix. Similarly, a mere submission of a representation to the competent authority does not arrest time.”*

12. After having said that, we deem it appropriate to examine the correctness of the decision of the learned Single Judge in declaring Clause 1 of the Office Memorandum dated 01.06.2015 to be unconstitutional.

13. We find that the classification made on the basis of the remaining service period left for the deceased employee is neither intelligible nor has any nexus with the differentia sought to be achieved.

14. The respondents constitute a homogenous class of persons, whose bread-earners have died in harness. They come within exception laid down in **D.S. Nakara** (supra). It would be inappropriate for the State to contend that the purpose of the classification was to avoid fraud or misuse. Fraud or misuse may occur, irrespective of the length of service remaining. Limiting the benefits to dependants of the deceased employees, who have 3(three) years of service remaining, does not necessarily reduce the risk of fraudulent claims; a would-be fraudster could equally fabricate or collude in cases where a deceased employee had long remaining service. There is no logical causal connection between the duration of remaining service and the likelihood of such misuse.

15. We find force in the reasoning of the learned Single Judge that the claim of the State that the Office Memorandum dated 01.06.2015 is in accordance with the 10(ten) principles enunciated in the case of **Achyut Ranjan Das** (supra) and the Office Memorandum dated 16.01.2013 issued by the Department of Personnel & Training,

Government of India, is factually incorrect. The learned Single Judge did not find any rationale in the draft note preceding the Office Memorandum dated 01.06.2015 was approved by the State Cabinet.

16. The absence of any contemporaneous reasoning diminishes any claim of the State that the choice of 3(three) years was the product of considered administrative evaluation for it not to be interfered with on the ground of such administrative policy being within the domain of executive and the usual restraint of the Courts in treading in such field. The executive must always conform to Article 14 of the Constitution of India. Policy classifications must not be arbitrary, irrational or discriminatory without an intelligible basis. Compassionate appointment may not be an absolute vested right but it is a benefit conferred by the employer subject to policy conditions. The non-vested status of compassionate employment does not immunize arbitrary classifications from constitutional scrutiny.

17. On these grounds, we find the declaration of Clause 1 of the Office Memorandum dated 01.06.2015 to be constitutionally invalid by the learned Single Judge, to be wholly justified.

18. Now the question to be decided is whether it was appropriate for the learned Single Judge, even while taking cognizance of the supersession of the Office Memorandum dated 01.06.2015 with Office Memorandum dated 14.09.2017, replacing Compassionate Appointment with Compassionate Family Pension and also the passage of long number of years since the death of the deceased employees in all the

writ petitions, is justified ?

19. The new Policy of the State vide Office Memorandum dated 14.09.2017 replacing Compassionate Appointment with Compassionate Family Pension Scheme would be applicable from a cut-off date in the year 2017, which is not applicable in cases of the respondents. The Policy of the State, which was prevalent at the time of death of the employees, would only be applicable to the respondents and in that case, there would be some justification for sustaining the relegating order by the learned Single Judge, notwithstanding the passage of more than 10(ten) years since the deaths.

20. Though we have taken the argument of the learned Advocate General with some seriousness that the judgment of the Supreme Court in ***Debabrata Tiwari*** (supra) prohibits compassionate appointment after long passage of time, but in the present set of cases, closing the chapter for the private respondents would not be appropriate.

21. We thus affirm the relegating order passed by the learned Single Judge.

22. While making such application before the concerned authorities, the private respondents, we may caution, must not entertain any false hopes and the concerned authorities also shall consider the “passage of time” aspect seriously while assessing the suitability of the private respondents for compassionate appointment, which would be the most important factor in recommending the cases of the private respondents for compassionate appointment, which ultimately may not withstand the

judicial scrutiny if such recommendation is made after a long lapse of time since the death of the deceased employees.

23. With the afore-noted observations, we close these appeals with the hope that the statutory authorities while deciding the cases of the private respondents shall appropriately apply the law with regard to compassionate appointment.

24. The appeals stand disposed off accordingly.

JUDGE

CHIEF JUSTICE

Comparing Assistant