
(2015) 02 MEG CK 0002
In the Meghalaya High Court
Case No : Writ Petition(C) No. 157/2014

Abdul Sahid Choudhury

APPELLANT

Vs

The Union of India and Others

RESPONDENT

Date of Decision : 05-02-2015

Acts Referred:

Citation : (2015) 02 MEG CK 0002

Hon'ble Judges : T. Nandakumar Singh, J.

Bench : Single Bench

Advocate : A.S. Siddiqui, for the Appellant; R. Debnath, CGC, Advocates for the Respondent

Final Decision : Allowed

Judgement

T. Nandakumar Singh, J.—Heard Mr. A.S. Siddiqui, learned counsel appearing for the petitioner and Mr. R. Debnath, learned CGC appearing for the respondents.

2. The only prayer sought for in the present writ petition is for a direction to the respondents to consider the case of the petitioner for appointment on compassionate ground. The petitioner's father Shri. Abdul Nur Choudhury was serving as a Head Constable under respondent No. 2 and he died while he was in service on 29.03.2013 at NEPA Umsaw, Ri-Bhoi (Meghalaya) leaving behind the petitioner and his mother. It is nobody's dispute that the petitioner's mother is the legally married wife of the deceased, Shri. Abdul Nur Choudhury.

3. The petitioner's father, Shri. Abdul Nur Choudhury was the sole bread earner in the family and after his death, the members of his family were left in a precarious financial condition inasmuch as, the petitioner and his mother have no source of income. The petitioner filed an application dated 20.05.2013 to the Director, North Eastern Police Academy, Barapani, Ri-Bhoi, Meghalaya for appointment on compassionate ground commensurate with his qualifications. The petitioner's educational qualification is matriculate inasmuch as, the petitioner had passed the High School Leaving Certificate Examination, Assam in the year

2009. It is further stated in the writ petition that the authority had already processed the said application for appointment on compassionate ground. It is also further stated in the writ petition that inspite of completing all the necessary formalities for appointment on compassionate ground, the respondents did not issue order for appointment of the petitioner on compassionate ground. Accordingly, the petitioner filed this present writ petition for a direction to the respondents to consider his case for appointment on compassionate ground.

4. The respondents filed affidavit-in-opposition wherein, the respondents are not denying that there is a scheme for compassionate appointment under which the case of the petitioner is to be considered for appointment in due course. However, in para 6 of the Affidavit-in-opposition, it is stated that at present there are 7 (seven) candidates applied for compassionate appointment, the present petitioner is in the 5th position in the seniority list of applicants for compassionate appointment. In para 11 of the affidavit-in-opposition, it is clearly stated that the application of the petitioner for appointment on compassionate ground is under consideration along with others and that he could be considered as and when vacancy is available.

5. In the above factual backdrop, this writ petition is disposed of by directing the respondents, particularly respondent No. 2 to consider the appointment of the petitioner on compassionate ground as per his turn as and when vacancy is available. Respondents are further directed to inform the writ petitioner as to what is the position of the petitioner in the said seniority list within 30 (thirty) days from today inasmuch as, the respondents had admitted in their joint affidavit-in-opposition filed on 09.06.2014 that the petitioner is in 5th position as per the said seniority list of the applicants for appointment on compassionate ground. It is made clear that the respondents should consider the case of the petitioner for appointment on compassionate ground as expeditiously as possible.

6. Writ petition is allowed with the above observations and directions.