
(1995) 04 GAU CK 0010
In the Gauhati High Court
Case No : Civil Rule No. 1806 of 1993

Afruza Begum

APPELLANT

Vs

State of Assam

RESPONDENT

Date of Decision : 05-04-1995

Acts Referred:

Citation : (1995) 2 GLJ 50 : (1995) 2 GLR 387 : (1995) 2 GLT 526

Hon'ble Judges : J.N.Sarma, J

Bench : Single Bench

Advocate : T.J.Mahanta, B.Banerjee, D.C.Mahanta, Advocates appearing for Parties

Judgement

1. There is a scheme for appointment of teachers on the quota of sons and daughters of retired teachers and that quota is 20% of available vacancy. The sole grievance of Shri Mahanta, learned Advocate appearing for the petitioner is that this quota fixed at 20% is devoid of any guidelines to select and appoint the persons of the sons and daughters of a retired teacher. This contention of Sri Mahanta has force.

2. Sri Banerjee, learned Govt.Advocate and Sri Mahanta, learned Advocate for the petitioner agree that in making such a selection and appointment procedure which is fair is to be adopted. To avoid arbitrariness the following two things should be considered :

(i) The means of the family of the retired teacher i.e. whether the employment for the sons and daughters in the quota is necessary to sustain the family itself or not.

(ii) The comparative merit of the candidates shall be considered. One who has better claim and better merit should get preference over the others, if other things are satisfied.

3. Therefore in future it is directed that whenever appointment shall be made

under this scheme, these two aspects of the matter shall be considered by the authority and as and when the vacancy will arise, the case of the petitioners shall be considered in accordance with guidelines given above.

4. By the stay given by this Court, 8 (eight) posts were kept vacant. If these petitioners come within the quota as fixed, the cases of the petitioners shall be considered within a period of 3 (three) months from the date of receipt of the order keeping in view of the guidelines given above.

5. This disposes of the writ application.