
(1999) 03 GAU CK 0001
In the Gauhati High Court
Case No : W.P.C. 916 of 1999

Dhiren Kumar Nath

APPELLANT

Vs

State of Assam and Others

RESPONDENT

Date of Decision : 09-03-1999

Acts Referred:

Citation : (1999) 1 GLT 411

Hon'ble Judges : Brijesh Kumar, C.J

Bench : Single Bench

Advocate : J. Ahmed and M. Nath, for the Appellant; H.N. Sarma, Addl. Sr. G.A., for the Respondent

Judgement

Brijesh Kumar, C.J.—Heard Mr. J. Ahmed, learned Counsel for the Petitioner as well as Mr. H.N. Sarma, learned Addl. Sr. Govt. Advocate, Assam appearing for the Respondents.

2. This petition has been preferred with the averments that the Petitioner is the son of Shri Paharu Ram Nath, who was an LP School teacher working in Sutu Athiabari L P School, having retired on 31.10.97. On retirement of his father as LP School teacher, the Petitioner moved the authorities by means of an application dated 17.7.98 for his appointment as teacher, according him the benefit of the Government Order, namely, Memo. No. A(I) E. 241/92/47 dated 6.6.92 which makes a provision for reservation of 10% of the posts of teachers for the sons and daughters of the retired LP School teachers. This position as regards 10% reservation of posts for sons and daughters of retired LP School teachers in concerned, is not disputed by the learned State counsel. The grievance of the Petitioner is that no action has been taken so far, though a long period has elapsed after he approached the authorities.

3. Some provisions are made as a measure of welfare provisions to meet out the hardships occurring due to certain situations, as in the present case due to the retirement of an LP School teacher. Inordinate delay in acting in accordance with

such welfare measures frustrates the very purpose of the policy. Hence, it is of utmost importance that the authorities act swiftly and must provide whatever is due to one legally under any such policy decision of the State Government.

4. According to the Petitioner, his father retired in the year 1997 and he had moved an application in July, 1998. In such circumstances, it would have been only appropriate that the application of the Petitioner should have been considered by now.

5. Learned counsel appearing for the opposite parties has brought to the notice of the court an order dated 25.2.99 passed in WP(C) No. 812/99, in which under similar circumstances a direction was given to the authorities to consider the candidature of that Petitioner within the time specified.

6. Learned counsel for the parties agree that since the matter is short, it may be finally disposed of at this stage itself rather than to keep it pending.

7. In view of the facts and circumstances indicated above, this petition is finally disposed of by providing that the Petitioner shall furnish a fresh copy of the application said to have been moved on 17.7.98 to the Director of Elementary Education, Assam within a period of two weeks from today. The Director of Elementary Education, Assam, shall within a period of two months of the receipt of the copy of the application, shall pass appropriate order in accordance with the relevant Government Orders and its policy decision. In case there are other applicants as well claiming the benefit under the same policy decision and the government order, the case of the Petitioner and all such applicants shall be considered together by the authorities. The result of the consideration shall also be intimated to the Petitioner.

8. The petition stands finally disposed of in the manner indicated above.