

(2007) 06 GAU CK 0057
In the Gauhati High Court
Case No : Writ Petition (C) No. 6529 of 1998

Mazida Khatun	Vs	APPELLANT
State of Assam and Others		RESPONDENT

Date of Decision : 05-06-2007

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2007) 114 FLR 572 : (2007) 3 GLR 803

Hon'ble Judges : Aftab H. Saikia, J

Bench : Single Bench

Advocate : B. Ahmed, for the Appellant; Govt. Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Aftab H. Saikia, J.—Heard learned Counsel for the parties.

2. This case has been pending since 1998.

3. The issue raised in this writ petition filed on 16.12.1998 pertains to appointment on compassionate ground sought by the petitioner due to the death of her father, late Md. Raisuddin, who died in harness on 28.5.1991 while serving as Librarian of Mohimari Government Aided Senior Madrassa of Kamrup District.

4. It is apparent on the face of record that this petition was filed on 16.12.1998 seeking her appointment on compassionate ground in other words she has filed this petition seeking such compassionate appointment after a lapse of seven years.

5. The law of appointment on compassionate ground is well settled. Appointment on compassionate ground can only be directed to tide over the immediate financial crunch of the family so faced due to death of the sole breadwinner. In the instant case, it appears that the father of the petitioner died in 1991 and as such, it clearly indicates that inspite of the death of the breadearner, her family has survived and since substantial period is over, there is no financial crunch so

as to consider the case of the petitioner for his appointment under compassionate ground.

6. As a general rule, in public employment, an employment should be open to all eligible candidates who can come forward to apply and compete with each other. It is dictum of Article 14 of the Constitution of India. On the basis of competitive merits, an appointment should be made to public officer. This general rule should not be ignored save and except where compelling circumstances demand. It is established that the compassionate appointment is an exception to such general rule.

7. In the case at hand, the petitioner's father died in the year 1991. She approached this Court originally in the year 1998 after a gap of 7 years.

8. That being the position, this Court find no merit in this case and consequently the same stands dismissed.