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HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 698 of 2026

1 - Jitu Porte S/o Late Shri Ganesh Ram Porte Aged About 34 Years R/o Vill- Parsahinala, Post- Podi Dalha, P.S. Akaltara, Dist- Janjgir-Champa (C.G.)

... Appellant

versus

1 - State of Chhattisgarh Through- Secretary Panchayat And Rural Welfare Department, Mahanadi Bhawan, New Raipur, Tah. And Dist. Raipur (C.G.)

2 - State Of Chhattisgarh Through- Secretary School Education Department, Mahanadi Bhawan, New Raipur, Tah. And Dist. Raipur (C.G.)

3 - State Of Chhattisgarh Through Secretary School Education Department, New Raipur, Raipur (C.G.)

4 - Director/ Directorate Public Education (Lok Shikshan Sanchalnalay) Naya Raipur, Dist- Raipur (C.G.)

5 - Joint Director Education Division Bilaspur, Dist- Bilaspur (C.G.)

6 - Collector Janjgir, Dist- Janjgir-Champa (C.G.)

7 - District Education Officer Janjgir, Dist- Janjgir-Champa (C.G.)

8 - Principal/ Head Master Government Higher Secondary School, Devri (Baloda), Dist- Janjgir-Champa (C.G.)

... Respondent(s)

(Cause-title taken from Case Information System)

For Appellant	:	Shri Ravindra Sharma, Advocate.
For State	:	Shri Saumya Rai, Dy. Govt. Advocate.

Hon'ble Shri Justice Ramesh Sinha, CJ

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Judgment on Board

12.08.2026

Per, Ramesh Sinha, CJ.

1 For the reasons mentioned in the application and finding them to be satisfactory, IA No.01/2026 is allowed and delay in filing the appeal is ordered to be condoned.

- 2 Being aggrieved by the order dated 08.05.2026 passed by learned Single Judge in WPS No.1147 of 2022, dismissing the writ petition filed by the petitioner, the present writ appeal has been filed.
- 3 Learned counsel for the appellant would submit that, the father of the appellant, working as Head Master, died in harness on 01.05.2021. The appellant being son of deceased employee, moved an application for compassionate appointment which was accepted and an order of compassionate appointment was issued in his favour on 31.05.2021. Pursuant to which, he joined his services, however, on a false complaint, the appellant was terminated vide order dated 24.12.2021 on the ground of suppression of fact that his mother is already in Government service. He would submit that the mother of appellant was staying separately prior to the death of his father and she never provided financial assistance to the appellant. He would argue that before termination of his services, no opportunity of hearing was afforded to him. The respondent authorities ought to have conducted inquiry with regard to financial condition of the appellant. Learned Single Judge has not considered all these facts and therefore the writ appeal may be allowed and services of the appellant may be restored.
- 4 On the other hand, learned counsel for the respondents opposes the submissions made by learned counsel for the appellant and submits that since the mother of appellant i.e. wife of deceased employee is already in government service, in terms of the policy for compassionate appointment, the appellant was not entitled to be appointed on compassionate ground. Thus, he was rightly terminated from service on account of suppressing he material facts which has rightly been

considered and decided by the learned Single Judge which does not call for any interference.

- 5 We have heard learned counsel for the parties and perused the material available on record.
- 6 All said and done, one of the family member i.e. wife of the deceased employee already in government service have not been disputed by the appellant. The financial crisis or penury is the basic parameter for consideration of compassionate appointment in view of the object and policy framed by the Government. As such, the action of the respondent authorities terminating the services of the appellant which he obtained by suppressing the material facts of his mother being already employment, is justified on the count that mother of appellant is already in government employment. Suppression of material information and making a false statement has a clear bearing on the character and antecedents of the employee in relation to his continuance in service. A candidate having suppressed the material information and/or giving false information cannot claim right to continuance in service.
- 7 Even otherwise, in view of Clause-6A of the policy for grant of compassionate appointment issued by the State Government, the appellant was not at all eligible for compassionate appointment as his mother was already in government service, however, the appellant concealed the said fact by giving a false affidavit and obtained compassionate appointment by suppressing the material fact of employment of his mother, therefore, his services was rightly terminated.

- 8 Dealing with Clause-6A of the policy for grant of compassionate appointment, the Division Bench of this court in ***Rachana Darwade Vs. State of Chhattisgarh & Others*** and batch of Writ Petitions, leading case of which being WPS No.561 of 2022, has observed as under :

“41. Reiterating the conclusion in Neeraj Kumar Uke (supra) and bearing in mind that compassionate appointment must be governed by terms on which the State lays down the policy offering employment assistance to a member of the family of a deceased government employee, the question posed by the learned Single Judge is answered by observing that this Court, in exercise of writ jurisdiction under Article 226 of the Constitution of India, cannot direct the State Government to hold an enquiry qua dependency/financial support by one of the family members of the deceased government servant who is already in government service to the other family members of the deceased government servant when a claim is made by another member of the family for compassionate appointment as the same would amount to rewriting the terms of the policy.”

- 9 Thus, applying same analogy to the facts of the present case wherein the mother of appellant is already in government service, as per policy of compassionate appointment of the State Government the appellant was not entitled for compassionate appointment. Therefore, his appointment on compassionate ground was rightly terminated by the department much less affirmed by the learned Single Judge, in which we do not find any infirmity or perversity.
- 10 Accordingly, the writ appeal fails and is hereby dismissed. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice