



CGHC010254652024



2026:CGHC:44092

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4344 of 2024

Pawan Meshram S/o Arun Meshram, Adopted Son Of Durga Meshram Aged About 22 Years R/o Ward No. 32, Korba, District- Korba, C.G.

Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Mantralaya, Atal Nagar, Nawa Raipur, District- Raipur, C.G.

2 - The Collector Janjgir, District- Janjgir-Champa, C.G.

3 - The Sub- Divisional Officer (Revenue) Janjgir, District- Janjgir-Champa, C.G.

4 - The Tahsildar Janjgir, District- Janjgir-Champa, C.G.

Respondent(s)

(Cause-title taken from CIS)

For Petitioner(s) : Mr. Shubham Tiwari, Advocate

For Respondent(s) : Ms. Vartika Shrivastava, PL

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

12.10.2026

1. The present writ petition has been filed assailing the communications dated 24.02.2023 and 21.07.2023 (Annexure P/1), issued by the respondent

authorities, whereby the petitioner has been directed to produce a succession certificate as a prerequisite for consideration of his claim for compassionate appointment.

2. Facts as projected in the Writ Petition are that late Smt. Durga Meshram, the aunt of the petitioner, was working as Assistant Grade-II in the office of the Sub-Divisional Officer (Revenue), Janjgir, District Janjgir-Champa. She was a divorcee and had no children. It is the case of the petitioner that late Smt. Durga Meshram had adopted him during her lifetime and the adoption was subsequently reduced into a registered adoption deed dated 08.02.2019. It is further contended that, even prior to the registration of the adoption deed, late Smt. Durga Meshram had treated the petitioner as her adopted son. In this regard, an application was submitted before the competent authority on 24.11.2018 for deletion of the name of her mother from the service records and for recording the names of the petitioner and his brother, Arun Meshram, as nominees. Thereafter, late Smt. Durga Meshram died in harness on 24.03.2019. Following her death, the petitioner submitted an application dated 09.05.2019 seeking compassionate appointment along with the relevant documents, including the registered adoption deed. As his claim remained undecided, the petitioner approached this Court by filing W.P.(S) No. 738 of 2023, which was disposed of on 24.01.2023 with a direction to the respondent authorities to consider and decide his applications dated 09.05.2019 and 11.01.2023 expeditiously. It is the petitioner's grievance that, instead of considering his claim on its merits in compliance with the aforesaid order, the respondent authorities, by communications dated 24.02.2023 and 21.07.2023, required him to produce a succession certificate for consideration of his claim for

compassionate appointment. According to the petitioner, such a requirement is legally unsustainable, particularly when the registered adoption deed has been placed on record and Clause 5(b) of the compassionate appointment policy dated 14.06.2013 recognises an adopted son as an eligible category for consideration.

3. Learned counsel for the petitioner submits that the insistence upon a succession certificate is contrary to the law laid down by this Court in *Annpurna Ratre v. State of Chhattisgarh & Others, W.P.(S) No. 421 of 2019*, decided on 22.01.2019, as well as *Piyush Kumar Anchal v. State of Chhattisgarh & Others, W.P.(S) No. 1034 of 2022*, decided on 07.03.2022. It is further submitted that the registered adoption deed is entitled to the statutory presumption contemplated under Section 16 of the Hindu Adoptions and Maintenance Act, 1956, subject to fulfilment of the requirements of the said provision. On these grounds, learned counsel prays for setting aside the impugned communications and for appropriate directions to the respondents.

4. Learned counsel appearing for the State, while opposing the submissions made on behalf of the petitioner, submits that the petitioner is required to establish his status as an adopted son and, therefore, the direction to produce a succession certificate does not warrant interference.

5. I have heard learned counsel for the parties and perused the pleadings as well as the material available on record.

6. The Principal question arises for consideration before this Court is whether the respondent authorities can insist upon production of a succession certificate as a condition precedent for considering the petitioner's claim for

compassionate appointment, when the claim is founded upon a registered adoption deed.

7. In *Annpurna Ratre (supra)*, this Court considered the question whether a succession certificate could be insisted upon for the purpose of considering a claim for compassionate appointment. While examining Section 372 of the Indian Succession Act, 1925, this Court observed that a succession certificate relates to debts due to the deceased and that a claim for compassionate appointment does not fall within its ambit. The Court accordingly directed consideration of the claim under the applicable scheme and permitted verification of the relationship through relevant documents.

8. The aforesaid principle was also considered in *Piyush Kumar Anchal (supra)*, wherein this Court set aside the direction requiring a succession certificate in a matter involving competing claims for compassionate appointment. The authorities were directed to examine the competing applications on their respective merits in accordance with the applicable policy and the observations made therein.

9. The legal principle emerging from the aforesaid decisions is that a succession certificate cannot be insisted upon merely as a prerequisite for consideration of a claim for compassionate appointment. The authority must examine the claim in accordance with the governing policy and the relevant material available on record.

10. The question relating to the evidentiary value of a registered adoption deed also requires consideration. Section 16 of the Hindu Adoptions and Maintenance Act, 1956 provides for a rebuttable presumption in favour of an

adoption where a registered document recording the adoption, signed by the persons specified in the provision, is produced before the Court, unless and until the adoption is disproved.

11. In *Deu v. Laxmi Narayana*, AIR OnLine 1996 SC 590, the Supreme Court has observed thus:

“3. In view of Section 16 aforesaid whenever any document registered under any law for the time being in force is produced before any court purporting to record an adoption made and is signed by the persons mentioned therein, the court shall presume that the adoption has been made in compliance with the provisions of the said Act unless and until it is disproved. According to us, it was not open to the defendants of the said suit for partition to collaterally challenge the said registered deed of partition. In view of Section 16 of the aforesaid Act it was open to them to disprove such deed of adoption but for that they had to take independent proceeding. The high court was fully justified in directing that the respondent be substituted in place of Smt Phulla on the basis of the registered deed of adoption produced before the court.”

12. In the present case, the petitioner relies upon a registered adoption deed dated 08.02.2019 and asserts that he was adopted by late Smt. Durga Meshram during her lifetime. The petitioner has also referred to the application dated 24.11.2018 concerning the service records and nomination of the deceased employee. These documents and circumstances are required to be examined by the competent authority in accordance with law.

13. At this stage, the Court is not required to record a conclusive finding on every aspect of the validity of the adoption or to direct appointment irrespective of the applicable conditions. The limited question is whether consideration of

the petitioner's claim can be made conditional upon production of a succession certificate.

14. In view of the principles laid down in the aforesaid decisions, a succession certificate cannot be insisted upon merely as a prerequisite for consideration of a claim for compassionate appointment. A succession certificate under Section 372 of the Indian Succession Act, 1925, relates to debts due to the deceased and cannot, by itself, determine eligibility for compassionate appointment. The respondent authorities are, therefore, required to examine the petitioner's claim on the basis of the registered adoption deed, the relevant service records and other material available on record, in accordance with the applicable compassionate appointment policy.

15. The mere insistence upon a succession certificate, without examining the claim in the aforesaid manner, cannot be sustained in law. The impugned communications, to the extent that they make production of a succession certificate a prerequisite for consideration of the petitioner's claim, therefore, warrant interference.

16. Accordingly, the writ petition is **allowed** and the impugned communications dated 24.02.2023 and 21.07.2023, issued by the respondent authorities, are hereby quashed and set aside. The respondent authorities are directed to consider and decide the petitioner's claim for compassionate appointment afresh, in accordance with the applicable policy dated 14.06.2013, as amended from time to time, and the law governing the matter and pass a reasoned and speaking order.

17. It is made clear that this Court has not directed the grant of compassionate appointment as a matter of course. The petitioner's entitlement shall be determined by the competent authority in accordance with the applicable policy and the other prescribed eligibility conditions, uninfluenced by the impugned requirement of producing a succession certificate.

Sd/-

(BIBHU DATTA GURU)

JUDGE

Rahul