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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4437 of 2013**

- Smt. Chandan Dadsena Wd/o Late Vijay Kumar Dadsena Aged About 30 years R/o C/o Sundar Lal Diksena, Village Duduga, P.S. & Tahsil Katghora, Distt. Korba C.G.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, General Administrative Department, Mantralaya, Raipur C.G.
2. State of Chhattisgarh Through Collector, Distt. Mungeli C.G.
3. State of Chhattisgarh, Through B.E.O. Tahsil Pathariya, Distt. Mungeli
4. Jila Panchayat Bilaspur, Through:-C.E.O. Jila Panchayat Bhawan Bilaspur Beside Collectorate Bilaspur.
5. Janpad Panchaya Mungeli, Through:-C.M.O. Janpad Panchaya Mungeli Main Basti Mungeli. District- Mungeli. C.G.
6. Jila Panchayat Mungeli, Through:- C.E.O. Jila Panchayat Bhawan Mungeli Near Main Basti Mungeli. C.G.

---- Respondents

For Petitioner	:	Shri Hemant Gupta, Advocate
For Respondents/State	:	Shri Bhaskar Payashi, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****21/07/2015**

1. Petitioner's husband, who was working as Head Master, died in harness on 8-4-2009. The petitioner preferred application for grant of compassionate appointment, which was not considered as the same was not in proper format. The petitioner preferred WP (S) No.5374/2012, which was disposed

of on 14-12-2012 permitting her to make fresh application in proper format. Despite the petitioner having submitted application in proper format, the same remained pending, therefore, this petition has been preferred seeking a direction to the respondents to grant compassionate appointment.

2. Return submitted by the respondents would indicate that vide Annexure R-1, petitioner's case for compassionate appointment has been rejected by the Janpad Panchayat for the reason that the petitioner is not qualified for appointment as Assistant Teacher/Shiksha Karmi Grade-III because she is only 8th standard pass.
3. Learned counsel for the petitioner would draw attention of the Court to the certificate issued by the National Institute of Open Schooling in favour of the petitioner declaring her to have passed the Senior Secondary School Examination, 2013. Thus, he would submit that the petitioner is eligible to be appointed as Assistant Teacher (Panchayat).
4. It appears, the Janpad Panchayat has refused to grant compassionate appointment in the month of January, 2013 and the petitioner has subsequently passed the Senior Secondary School Examination in April, 2013, therefore, the Janpad Panchayat was not possessed of the said document at the time of taking the decision.
5. For the foregoing, the writ petition is disposed of with a direction that the petitioner shall again submit an application before the Janpad Panchayat, Mungeli along with all the credentials including the Senior Secondary School Examination Certificate seeking compassionate appointment, within a period of one month from today. On such application being made, the said Janpad Panchayat shall consider the same, in accordance with law, within a period of three months thereafter.

6. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-

Judge

Prashant Kumar Mishra

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