

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2840 of 2015**

- Gourav Sharma S/o Shri Bhagwandhar Sharma Aged About 22 years Adopted Son Of Late Shri Pawan Kumar Sharma, R/o Ward No. 3, Near Chandak Bhawan, Mahasamund, P.S. Mahasamund, Civil And Revenue District Mahasamund (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Collector, Mahasamund, District Mahasamund (Chhattisgarh)
3. District Education Officer, Mahasamund, District Mahasamund (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Sunil Sahu, Advocate
For Respondent-State	:	Shri PK Bhaduri, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****06/08/2015**

1. Petitioner is claiming compassionate appointment on account of death of his uncle, who died in harness on 11.01.2011 while servicing as Assistant Teacher in the district Mahasamund. His prayer for compassionate appointment has been rejected by the impugned order Annexure P-1.
2. Undeniably, the petitioner is not the son of the deceased government servant. He claims to have been adopted by his uncle, however, there is no registered instrument by which he has been taken in adoption by the

deceased government servant. Such claim for compassionate appointment on the basis of plea of being adopted by the government servant is not admissible in view of the law laid down by the Supreme Court in the matter of **Chairman, Bihar Rajya Vidyut Board Vs. Chhathu Ram and Others**¹.

3. Even otherwise, death has taken place on 11.01.2001 and the petitioner applied for compassionate appointment after 12 years, after attaining majority.
4. Be that as it may, it is the well settled proposition of law that the grant of compassionate appointment after long time or after attaining the age of majority is not permissible. (See: **Union of India and others v. Bhagwan Singh**², **Jagdish Prasad v. State of Bihar and another**³, **Haryana State Electricity Board v. Naresh Tanwar and another**⁴, **Haryana State Electricity Board and another v. Hakim Singh**⁵, **National Hydroelectric Power Corporation and another v. Nanak Chand and another**⁶ and **State of U.P. and others v. Ram Sukhi Devi**⁷).
5. In view of the above, the writ petition has no substance, therefore, it is dismissed.

Sd/-

Judge

Prashant Kumar Mishra

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1 (1999) 5 SCC 673
 2 (1995) 6 SCC 476
 3 (1996) 1 SCC 301
 4 (1996) 8 SCC 23
 5 (1997) 8 SCC 85
 6 (2004) 12 SCC 487
 7 (2005) 9 SCC 733