

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 27 of 2011**

- Ramji, aged about 26 years S/o Shobhitram R/o Jhuniyapara, Tahsil and District Kanker, through her mother Lochantin Yadav, aged about 45 years, S/o Devsingh Yadav C/o Prakash Yadav Jhuniyapara, Kanker.

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary Tribal Department, DKS Bhawan, Raipur.
2. Assistant Commissioner, Tribal Development, Kanker.
3. Collector, District Kanker.
4. Kamalkant Yadav S/o Chediram Yadav, Village and Post Jhuniyapara, Kanker.

---- Respondents

For Petitioner	Shri Parag Kotecha, Advocate.
For Respondent/State	Shri Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12/02/2016**

1. The petitioner by way of this petition seeks to challenge the order dated 11.06.2010 passed by the respondents granting compassionate appointing to the respondent No.4 on the death of Shobhitram Yadav.
2. According to the Petitioner, he is the adopted son of late Shri Shobhitram Yadav and the Respondent No.4 is the grandson of the deceased born to the daughter of the deceased Shobhitram. He has filed this petition seeking compassionate appointment for himself and for canceling the appointment of respondent No.4.

3. A perusal of record would show that the petitioner has not enclosed any document to show that earlier he had brought this facts to the notice of the respondents. He has also not taken any steps with regard to obtaining the compassionate appointment by respondent No.4 after obtaining the petitioner's thumb impression by playing fraud.
4. Before approaching the High Court for invoking the writ jurisdiction under Article 226 of the Constitution of India, the petitioner ought to have first raised his claim as also his grievance before the authority who would give compassionate appointment and also the authority who has given appointment to the respondent No.4. In the absence of such evidence, it appears that the petitioner himself might have conceded at the first instance to favour respondent No.4 and now he wants to turn around and question the same. Without approaching the authorities, the writ jurisdiction being availed is not proper, legal and justified for the simple reason that the petitioner has not brought it to the notice of the concerned authorities for applying their mind so as to ascertain their stand on the representation of the petitioner.
5. Hence, in the opinion of this court, no case is made out by the petitioner at this juncture. Accordingly, the petition fails and is dismissed. However, the petitioner would be at liberty to avail the remedy whatever is available to him under the provisions of law. No order as to costs.

Sd/-

(P.Sam Koshy)

JUDGE