

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 6435 of 2014**

Vinit Kumar Verma S/o Late Shatruhan Prasad Verma, aged about 26 years, R/o Village and Post Sel, Tahsil Kasdole, Distt Baloda Bazar- Bhatapara, CG

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Panchayat and Social Welfare Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Dist. Raipur, CG
2. Director, Panchayat, Mahanadi Bhawan, Naya Raipur, Dist Raipur, CG
3. Collector, Baloda Bazar- Bhatapara, CG
4. Chief Executive Officer, Janpad Panchayat, Kasdole, Distt. Baloda Bazar- Bhatapara, CG
5. Project Director, District Rural Development Authority, Distt. Baloda Bazar- Bhatapara, CG

---- Respondents

For Petitioner	:	Shri C. Jayant K. Rao, Advocate
For Respondents/State	:	Shri Y. S. Thakur, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy**Order On Board****21.01.2016**

Challenge to the present writ petition is the order dated 18.06.2014 (Annexure P-1) whereby the claim for compassionate appointment has been rejected on the ground that the petitioner does not possess the minimum educational qualification for the post of Assistant Teacher (Panchayat).

2. According to the counsel for the petitioner, the State Govt. itself has flouted its circular dated 07.02.2014 Annexure P-4 whereby it has been held that in the event a claimant claiming for compassionate appointment is found to be not having minimum eligible qualification for the post of Assistant Teacher (Panchayat), he would be given three

years' time to achieve the same. He further submits that contrary to the guidelines dated 07.02.2014, the respondents have rejected the claim of the petitioner in its entirety on the ground of not having minimum educational qualification without giving time to achieve the minimum qualification within the extended period of time.

3. State counsel opposing the writ petition submits that since the petitioner did not have the minimum educational qualification at the time of making application for compassionate appointment, his case has been rejected.

4. However, the State has not been able to give satisfactory reply either in its return or in its submission about the guidelines of the said circular dated 07.02.2014 which had already come into force on the date of death of the employee and which was being extended to all the other similarly placed persons.

5. Considering the total facts of the case and also taking note of the guidelines of the circular dated 07.02.2014, the impugned order dated 18.06.2014 Annexure P-1 appears to be just contrary to the guidelines given in the said circular.

6. Accordingly, the impugned order dated 18.06.2014 is set aside/quashed and the matter is again referred to the respondents to consider the case of the petitioner for grant of compassionate appointment in accordance with the guidelines of the circular dated 07.02.2014 Annexure P-4.

7. Considering the fact that the death of the employee took place on 23.03.2014, it is expected that the respondents shall pass the order expeditiously so far as the case of the petitioner is concerned.

8. Accordingly the instant writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**