

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 417 of 2016**

Smt. Mankunwar Bai W/o Goverdhan, Aged About 35 Years R/o Village Rilo, Police Station Chhal, Tahsil Dharamjaigarh, District Raigarh (Chhattisgarh)

---- Appellant**Versus**

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

---- Respondents

For Appellant	: Shri Rahul Mishra, Advocate.
For State/Respondent	: Shri Vinod Deshmukh, Deputy Government Advocate

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**Per Deepak Gupta, Chief Justice****19/09/2016**

1. This appeal is directed against the judgment dated 15.1.2016 delivered by Learned Single Judge of this Court in Writ Petition (S) No.4390 of 2013 whereby he dismissed the writ petition on the ground of delay and laches.

2. The Appellant is daughter-in-law of Late Shri Sidar Singh Baiga who was working as Assistant Teacher. Her father-in-law died in the year 2001. Thereafter, her mother-in-law is also died in June 2002. The husband of the Appellant also died in October 2002. The Appellant filed an application for grant of compassionate appointment in the year 2003 and this was rejected vide order dated 1.8.2007 on the ground that scheme for compassionate appointment does not entitle the daughter-in-law. The

Appellant did not challenge this order till she filed writ petition on 18.12.2013. This writ petition has been dismissed not on merits but on the ground of delay and laches.

3. The Appellant may be right that now in view of the law laid down by the Apex Court that the daughter-in-law is also entitled for compassionate appointment, however, we must remember that the scheme of compassionate appointment cannot be used as a new method of recruitment. It is such a scheme framed to ensure that the family which is in dire financial circumstances after the death of the deceased, earning member of the family is immediately provide some relief. In this case, father-in-law died in the year 2001 and the writ petition was filed in the end of 2013. It is true that the application filed by the Appellant was rejected on 1.8.2007, but there is no reasonable explanation as to why no writ petition was filed for more than six years. The only explanation given is that the Appellant is tribal lady and lives in remote part. We may have sympathy with the Appellant but that does not mean that we can give a relief when a petition is highly belated. We do not understand what stopped the Appellant for approaching the Court even earlier. It may be pointed out that the Scheduled Castes/Scheduled Tribes are entitled to free legal aid and legal aid authority is for their help but nothing has been done.

4. In this view of the matter, we do not find any merit in the appeal. It is dismissed accordingly.

5. In view of the above, I.A. No.1 of 2016, application for condonation of delay in filing the appeal is also rejected.

**Sd/-
(Deepak Gupta)
Chief Justice**

**Sd/-
(Sanjay K. Agrawal)
Judge**