

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1830 of 2017**

- Bhanu Pratap Dansena S/o Shri Doctor Dansena, Aged About 26 Years R/o Village Devalsurra, Post Mahloi, Block Pussore, District Raigarh (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, P.S. Rakhi, District Raipur (Chhattisgarh)
2. The Chief Executive Officer, Zila Panchayat, District Balodabazar Bhatapara (Chhattisgarh)
3. The Block Education, Bilaigarh, District Baloda Bazar Bhatapara (Chhattisgarh)
4. The Chief Executive Officer, Janpad Panchayat, Bilaigarh, District Balodabazar Bhatapara (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri MK Jaiswal, Advocate
For Respondents-State	:	Shri YS Thakur, Addl. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****19/04/2017**

1. Petitioner is the brother of the deceased government servant, who died in harness. Petitioner's application for compassionate appointment has been rejected on the ground that the brother of the deceased government servant is not the person included in the category of dependant entitled to obtain compassionate appointment.
2. If the policy framed by the State Government does not include the brother of

the deceased government servant as a person entitled for compassionate appointment, this Court cannot extend the said facility by exercising jurisdiction under Article 226 of the Constitution of India.

3. Reliance placed on the judgment of Supreme Court in **Md. Zamil Ahmed Vs. State of Bihar & Ors.**¹ would not come to the petitioner's assistance because in the said case brother of the deceased government servant was appointed on compassionate ground and had served the State for 15 years when the appointment was canceled. The Supreme Court has held that the State having made the appointment and the candidate having not concealed any fact from the Government, the State cannot take benefit of its own mistake. It is not held therein that brother of the deceased government servant would be a dependant even if not included as such in the government policy.
4. This Court does not find any ground to interfere with the impugned order passed by the State Government against the petitioner. Accordingly, the writ petition is dismissed, however, if any other dependant of the deceased government servant, who is included in the policy framed by the Government makes an application for grant of compassionate appointment, the State Government shall consider the same on its own merits, in accordance with law.

Sd/-

Judge

Prashant Kumar Mishra

Ashu