

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6401 of 2016

Smt. Sarojani Sahu D/o Late Shri Shankar Lal Sahu, Aged About 41 Years W/o Shri Dukalu Ram Sahu, R/o House No. 41, Khariya Road, Village Kadagi, Thana & Tahsil Kasdol, Civil & Revenue Distirct Baloda Bajar Bhatapara Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Veterinary Department, Mantralaya Mahanadi Bhawan Capital Complex New Raipur, District Raipur Chhattisgarh
2. Director Veterinary Department, Indiravati Bhawan, Ground Floor, Block No 03, New Raipur, District Raipur Chhattisgarh
3. Collector, Baloda Bazar, District Baloda Bazar Chhattisgarh
4. Deputy Director, Veterinary Services, Govt. Veterinary Hospital Balodabajar, Distirct Baloda Bazar Bhatapara Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Sunil Sahu, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/07/2017

Heard.

1. The short issue arises for consideration in this petition as to whether the respondent is justified in rejecting petitioner's application for grant of compassionate appointment only on the ground that the petitioner happens to be the married daughter of the deceased.
2. Learned counsel for the petitioner rightly points out and it could not be disputed by learned counsel for the respondent that the legal position in such cases is very well settled by the judgment of this Court in the case of **Smt. Sarojni Bhoi V. State of Chhattisgarh and others in WPS No.296 of 2014 decided on 30.11.2015**. In case of Smt. Sarojni Bhoi (supra), the operative reason for rejection of the petitioner's

application was that the petitioner seeking compassionate appointment happened to be the married daughter. In the case of Sarojni Bhoi (supra), this Court deprecating gender discrimination held as below :

“28. Thus, from the aforesaid analysis, it emanates that institution of marriage is an important and basic civil right of man and woman and marriage by itself is not a disqualification and impugned policy of the State Government barring and prohibiting the consideration of the married daughter from seeking compassionate appointment merely on the ground of marriage is plainly arbitrary and violative of constitutional guarantee envisaged in Article 14, 15 and 16(2) of the Constitution of India being unconstitutional.”

3. In view of the above, the settled legal position of rejection of the petitioner's application for compassionate appointment only on the ground that the petitioner being married daughter, cannot be sustained and therefore, the impugned order is set aside.
4. At this juncture, learned counsel for the State submits that for other reasons like a member of the family was already in a Government service, the petitioner could not claim compassionate appointment. That matter would require inquiry on various aspect because this argument is based on circular subsequent to the date of the death of the employee.
5. Be that as it may, the operative reason in the present case is that the petitioner is a married daughter and no other reasons have been assigned. Therefore, the impugned order has to be judged on the basis of the reason assigned in the impugned order. Accordingly, the petition deserves to be allowed and is accordingly allowed. The impugned order is set aside. The respondent-competent authority is directed to reconsider the petitioner's application for compassionate appointment in accordance with law and take appropriate decision in three months from the date of receipt of copy of this order.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E