

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2865 of 2017

Smt. Asha Lata Rohidas Wd/o Raj Kumar Rohidas, Aged About 32 Years R/o Village Bilari, P. S. Shivarinarayan, Tahsil Pamgarh, District Janjgir Champa (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Secretary, Panchayat And Social Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh).
2. Collector, Janjgir, District Janjgir Champa, Chhattisgarh
3. District Education Officer, Janjgir, District Janjgir Champa, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Ankul Biswas, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer

S.B. Hon'ble Shri Justice P. Sam Koshy

Order On Board

06/07/2017

Heard.

1. By this petition, the petitioner prays for a direction to the respondent authority for consideration of her application for grant of compassionate appointment. The case of the petitioner is that when her husband died in harness on 17.8.2014, immediately she applied for grant of compassionate appointment. However, vide communication dated 11.12.2015 (Annexure P-4,) it was communicated to the petitioner that her case for grant of compassionate appointment on the post of Assistant Teacher shall be considered only when the petitioner passes higher secondary examination, B.Ed./D.Ed. and T.E.T. within a period of three years.
2. Learned counsel for the petitioner submits that as of now the petitioner is only 10th pass. The qualifications as prescribed by the respondent in communication (Annexure P-4) for grant of compassionate appointment seems to be very harsh and impossible for the petitioner to achieve within the stipulated period and

therefore entire purpose of seeking compassionate appointment gets frustrated. He submits that according to policy of the compassionate appointment, the competent authority is entrusted with the power to relax the educational qualifications required for the post.

At this juncture, learned counsel for the petitioner also makes a request that since the petitioner does not fulfill the qualification required for Assistant Teacher, at least the respondents may consider her case for grant of compassionate appointment as Class -IV employee to which learned counsel for the State opposes and submits that since there is already an order passed on 11.12.2015 (Annexure P-4) in this context, nothing further remains to be adjudicated upon and the said order is not under challenge.

3. Be that as it may, this Court also feels that the order (Annexure P-4) imposes such a harsh condition on the petitioner to achieve the required qualification within a period of three years and object of issuance of such a notice would be that the petitioner would never get a chance for compassionate appointment. It would amount to refusing to consider the case of compassionate appointment to the petitioner. Therefore, in view of the same, this Court is of the opinion that ends of justice would be met if the present writ petition is disposed of at this juncture with a direction to respondent No.1 as well as respondent No.3 to consider the case of the petitioner for grant of compassionate appointment on any post of Class-IV category available under respondent No.3.
4. Let this exercise be done within a period of 4 months from the date of receipt of copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the case. Let the competent Authority consider the case of the petitioner for compassionate appointment purely in accordance with rules applicable.

Sd/-
(P. Sam Koshy)
Judge