

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3112 of 2017

Smt. Sarla Dewangan W/o Late Kamal Kumar Dewangan, Aged About 38 Years
R/o Presently Resident At Village Post Birra Tahsil Champa District Janjgir
Champa.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Of Panchayat And Rural Development Department, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. The Collector, Janjgir Champa District Janjgir Champa, Chhattisgarh.
3. Chief Executive Officer, Jila Panchayat Janjgir, District Janjgir Champa (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat, Jaijaipur, District Janjgir Champa, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Ajay Kumar Barik, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/07/2017

Heard.

1. This petition has been filed by the petitioner challenging the order dated 29.5.2017 (Annexure P-4) passed by the respondent by which petitioner's application for compassionate appointment on the post of Assistant Teacher (Panchayat) has been rejected on the ground that the petitioner is not holding statutory qualifications.
2. Learned counsel for the petitioner submits that in view of earlier circulars issued by the State Govt. on 2.11.2011 and 14.6.2013, Annexure P-6 & Annexure P-7 respectively, in case of consideration of cases for compassionate appointment where Teacher (Panchayat) died in harness, relaxation in qualification is permissible. Therefore, in such cases, even though the dependent employee is not statutorily qualified to be appointed as Assistant Teacher in Panchayat

Services, appointment will have to be given with condition of passing requisite qualification within stipulated period. Reliance has been placed on order dated 15.01.2016 passed by this Court in WPS No.2842 of 2014 (Shakuntala Sidar Vs. State Govt. of Chhattisgarh).

3. On the other hand, learned counsel for the State submits that the State Govt., later on, came out with an exhaustive policy of grant of compassionate appointment dated 14.6.2013 (Annexure P-7) which has superseded all previous policies in the matter of grant of compassionate appointment and this policy does not permit any such relaxation in cases like present one and therefore while considering petitioner's application for compassionate appointment as Assistant Teacher, her claim was rejected and at the same time she was offered compassionate appointment on the post of Secretary of the Gram Panchayat. He submits that this issue has been decided by this Court in the case of **Smt. Jaya Bai Verma Vs. State of Chhattisgarh** vide order dated 26.10.2015.
4. The entire claim of the petitioner for compassionate appointment as Assistant Teacher (Panchayat) rests on the two circulars i.e. circular dated 2.11.2011 (Annexure P-6) and circular dated 14.6.2013 (Annexure P-7). However, later on, the State Govt. has come out with policy of compassionate appointment which is quite exhaustive in nature and all earlier policies stand superseded. This policy does not permit grant of relaxation which was earlier granted. In the case of **Smt. Jaya Bai Verma**, (supra), the facts were identical. An Assistant Teacher died while in service and when his widow sought appointment as Assistant Teacher, the same was rejected on the ground that she is not statutorily qualified. The claim of the compassionate appointment was rejected by this Court. Therefore, in these circumstances, I am not inclined to grant any relief to the petitioner in so far as her claim of compassionate appointment on the post of Assistant Teacher (Panchayat) is concerned. Therefore, the claim is dismissed.
5. However, it is clear that while rejecting petitioner's claim for compassionate appointment as Assistant Teacher (Panchayat), she has been offered compassionate appointment as Secretary, Gram Panchayat and rightly so because petitioner being widow, needs immediate employment to earn bread and butter for her family. Therefore, while petitioner's claim for compassionate appointment as Assistant Teacher is rejected, this Court inclined to issue a direction to the Jila Panchayat, Janjgir Champa to ensure that petitioner is appointed as Secretary in any of the vacant post of Gram Panchayat within its

jurisdiction. If the petitioner submits a copy of the order which is now being passed within a period of 30 days, the Jila Panchayat shall ensure that the petitioner is granted compassionate appointment within a period of 60 days from the date of receipt of the representation.

6. The petition is accordingly disposed off with the observation and direction as above.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen