

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7338 of 2011**

Vikas Singh, Aged about 21 years, S/o. Late Anand Bahadur Singh,
Boys Primary School, Chirmiri Colliery School, Chirmiri, District Korea,
Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through The Secretary, School Education Department, D.K.S. Bhawan, Mantralaya, Raipur, District Raipur, Chhattisgarh.
2. Director, Public Instructions, Raipur, Chhattisgarh
3. The Collector, Korea, Chhattisgarh
4. District Education Officer, Baikunthpur, Korea, Chhattisgarh
5. Head Master, Boys Primary School, Chirmiri Colliery Chirmiri, District Korea, Chhattisgarh
6. The President, Managing Committee, Chirmiri Colliery School, Chirmiri, District Korea, Chhattisgarh

----Respondents

For Petitioner	:	None
For State	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****02/08/2018**

1. The present writ petition has been filed challenging the action on the part of the respondent No.6 in rejecting the claim of the petitioner for submitting of the relevant documents with which he could be granted appointment.
2. The contention of the petitioner is that the father of the petitioner died in harness working on the post of Assistant Teacher with the respondent No.6's school on 14.12.2010. The father of the petitioner had put in more than 13 years of service. After the death of the father of petitioner, he had moved an application for compassionate appointment.

3. The application of the petitioner was processed at the level of the District Education Officer and thereafter the petitioner was issued with an order of appointment on 25.03.2011 on the post of Shiksha Karmi Grade-III and the petitioner was directed to report for his duties immediately.
4. The petitioner was granted joining at the Boys Primary School, Chirmiri Colliery and was directed to join by 10.06.2011. The respondent No.6 on 31.05.2011 issued a letter directing the petitioner to report for duty along with a list of documents. The petitioner complied with the directions given in the said letter by producing all those documents available with him, except for the domicile certificate and character certificate, so also the medical fitness certificate. The petitioner sought for further time for providing the same.
5. The respondents initially granted 10 days time for joining, thereafter the petitioner since could not make available these documents during the said period, made another request to the authorities for extending the period of joining, which stood rejected vide Annexure P/1 on 15.06.2011.
6. Perusal of the reply of the respondent/State, as also the documents with the writ petition would reveal that the District Education Officer, Baikunthpur, District Korea vide Annexure P/12 specifically held that in the case of the petitioner, there would be no requirement insisting for domicile certificate, as the parents of the petitioner were already posted in the institution located in the territories of the State of Chhattisgarh and therefore by deeming provision, they would be considered as domicile of the State of Chhattisgarh.

7. Given the said report of the District Education Officer, this Court is of the opinion that the rejection of the candidature of the petitioner for grant of compassionate appointment only on the ground of his not producing the domicile certificate or for that matter the character certificate would be too harsh a decision, particularly when the mode of appointment was under the scheme for compassionate appointment.
8. The impugned order is thus not sustainable and the same deserves to be and is accordingly allowed. The respondent No.6 is directed to ensure providing immediate appointment to the petitioner as a Shiksha Karmi and also grant joining. The respondent No.6 should ensure that appropriate intimation is sent to the petitioner at the earliest.
9. Let this exercise be completed within a period of 90 days from the date of receipt of order of this Court.

Sd/-
(P. Sam Koshy)
Judge