

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 541 of 2019**

Shekh Kalim S/o Late Shekh Sirajuddin, Aged About 51 Years R/onear Indane Gas Agency Khairagarh Road Ward No. 4, Dongargarh District Rajnandgaon Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary Department Of Panchayat And Rural Development Mahanadi Bhawan ,Mantralaya ,police Station And Post Rakhi Atal Nagar District Raipur Chhattisgarh.
2. Director Panchayat And Social Services ,Atal Nagar Raipur Chhattisgarh.
3. Chief Executive Officer Jila Panchayat District Rajnandgaon Chhattisgarh.
4. District Education Officer District Rajnandgaon Chhattisgarh.
5. Block Education Officer Block Dongargarh District Rajnandgaon Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Santosh Kumar Pandey, Advocate along with Mr. Abhishek Pandey, Advocate.
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/01/2019**

1. The claim of the petitioner in the present writ petition is that his claim for compassionate appointment on the death of his wife has been rejected on the ground that the petitioner, in spite of being provided 3 years of time for attaining the minimum educational qualification for being considered for the post of Assistant Teacher (Panchayat) which the petitioner could not achieve and his case for compassionate appointment could not be considered in his favour.
2. At this juncture, the Counsel for the petitioner submits that the petitioner considering his qualification, could have been considered by the Department for appointment in the Class-IV category of post if

lying vacant in the Department. The petitioner is also ready to give an undertaking in this regard.

3. According to the petitioner, in fact, when he had moved an application, he had made a very categorical statement that he be considered for compassionate appointment in accordance with the qualification that he possesses. This part has not been considered by the Department and they have rejected the claim of the petitioner or have not considered the case of the petitioner only on the ground that the petitioner, since he does not fulfill the minimum educational qualification for appointment to the post of Assistant Teacher (Panchayat).
4. Given the said facts subject to the petitioner making a fresh case before the respondent No. 3 specifically stating that he be considered for any of the class-IV category post, the respondent no.3 shall reconsider the case of the petitioner and pass an appropriate order in accordance with the rules, regulations and the scheme for compassionate appointment applicable in the case of the petitioner.
5. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Harneet