

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 2437 of 2019**

Pradeep Kumar Nishad S/o Paras Ram Nishad, Aged About 31
Years R/o Village Magarghata Police Station Nandghat, Block
Nawagarh, District Bemetara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its The Secretary, School Education
Department, Mahanadi Bhawan, New Raipur, Chhattisgarh
2. The Collector, District Bemetara, Chhattisgarh
3. The Chief Executive Officer, Zila Panchayat Bemetara, District
Bemetara, Chhattisgarh

---- Respondents

For Petitioner	:	Shri B. L. Sahu, Advocate
For State	:	Shri Rahul Mishra, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/04/2019**

1. The challenge in the present writ petition is to the order Annexure P-5 dated 23.02.2019 whereby the claim of the petitioner for grant of compassionate appointment has been rejected on the ground that the petitioner does not have the minimum eligibility criteria.
2. The facts of the case are that the father of the petitioner was working with the respondents as a teacher who died in harness on 17.02.2011. The petitioner thereafter applied for compassionate appointment which was rejected by the respondents vide impugned order dated 23.02.2019.

3. Contention of the counsel for the petitioner is that the State Govt. has subsequently modified the scheme for compassionate appointment to the extent that in case if the compassionate appointment to the post of Assistant Teacher cannot be granted for want of requisite qualification, the candidates can be considered for appointment to the post of Gram Panchayat Secretary. He submits that before the department had rejected the application of the petitioner for compassionate appointment on the post of Assistant Teacher, they ought to have considered the case of the petitioner for being appointed on the post of Gram Panchayat, Secretary or any other post even on the post of Class-IV category. However, the impugned order Annexure P-5 is silent on this aspect.
4. Given the said fact, this Court is of the opinion that let the petitioner make a fresh representation to respondent no.3 in this regard with an undertaking that he is ready to accept the post of Gram Panchayat Secretary which if not available, at least any Class-IV category post under the respondent no.3. Let an appropriate decision be taken by respondent no.3 considering the entire factual matrix of the case within a period of 4 months from the date of receipt of fresh representation of the petitioner. While deciding the claim of the petitioner afresh, respondent no.3 is expected not to get influenced by the observations made in Annexure P-5 dated 23.02.2009.
5. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE