

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4038 of 2019

Sayyed Amazadir Rehman S/o Late Shri Sayyed A Rehman, Aged
About 26 Years, R/o House No. 08/289, Byron Bazar, Raipur, District
Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of
School Education Mahanadi Bhawan, Mantralaya, Atal Nagar,
Raipur, District- Raipur, Chhattisgarh
2. District Education Officer, Raipur, District- Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sudeep Agrawal, Advocate.
For State	:	Mr. Saleem Kazi, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

17/05/2019

1. I. A. No. 01/19 seeking exemption from filing typed copy of Annexure P-5
stands allowed.
2. With the consent of the parties, the matter was heard finally at motion
stage.
3. The claim of the petitioner in the present writ petition is for an appropriate
direction to the respondents to consider his claim for compassionate
appointment.
4. The facts of the case are that the mother of the petitioner was in
employment working as an Assistant Teacher who died in harness on

26.02.2017. After sometime, the petitioner moved an application for compassionate appointment vide application dated 22.05.2017.

5. It is the contention of the petitioner that the said application till date has not been finally decided and it is pending consideration before the authorities. It is the further contention of the petitioner that he has been orally informed by the officers in the establishment that the basic qualification that the petitioner has undertaken is not from a recognized Board/Institute and therefore his appointment is not being finalized.
6. At this juncture, counsel for the petitioner submits that the Chhattisgarh Board of Secondary Education has already issued a circular on 07.03.2015 as also on 09.12.2016, both of which clearly enumerate that the person who has done his 10+2 study from the Board of School and Technical Education, Chhattisgarh before 07.03.2016 would be accepted to be an equivalent qualification to that of certificate issued by the Chhattisgarh Board of Secondary Education. Counsel for the petitioner submits that so far as the petitioner is concerned, his education of class 10th and 12th was of the year 2012 & 2014 respectively and as such it is clearly before the cut off date fixed by the Chhattisgarh Board of Secondary Education i.e. 07.03.2016. Thus, according to the counsel for the petitioner, the candidature of the petitioner for compassionate appointment cannot be refused on this ground.
7. Since the application has not been finally decided by the authority concerned, this Court is of the opinion that the only direction which this Court can give at this juncture is the respondent no.2 to take an appropriate decision at the earliest keeping in view the circular of the Chhattisgarh Board of Secondary Education dated 07.03.2015 and

09.12.2016 so far as the recognition of the certificate which is in possession of the petitioner is concerned. Let respondent no.2 take an appropriate decision at the earliest preferably within a period of 3 months from the date of receipt of copy of this order.

8. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Khatai