

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 5104 of 2019**

Smt. Bhagwati Kashyap W/o Late Shri Sadhuran Kashyap, Aged About 35 Years, R/o Village Semariya, Tahsil Bamhanidih, District- Janjgir-Champa, Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralay, New Raipur, P.S. Rakhi, District- Raipur, Chhattisgarh
2. Director, Panchayat, Indravati Bhawan, New Raipur, Chhattisgarh
3. Chief Executive Officer, District Panchayat Janjgir-Champa, District- Janjgir-Champa, Chhattisgarh
4. The District Education Officer, Janjgir, District- Janjgir-Champa, Chhattisgarh

---- **Respondents**

---

|                 |   |                              |
|-----------------|---|------------------------------|
| For Petitioners | : | Mr. Tarun Dansena, Advocate. |
| For State       | : | Mr. Samir Behar, P.L.        |

---

**Hon'ble Shri Justice P. Sam Koshy**

**Order On Board**

**15.07.2019**

1. The challenge in the present writ petition is to the impugned order Annexure P-1 dated 11.01.2018 passed by respondent no.3. Vide the said order, the claim for compassionate appointment of the petitioner has been rejected on the ground that the petitioner does not have the requisite qualification for appointment on the post of Assistant Teacher (P).

2. Counsel for the petitioner, at this juncture, referred to the policy of the State Govt. dated 8<sup>th</sup> January, 2018 which clearly reflects that in the event the claimant does not have the requisite qualification, the authority should consider granting appointment to the post of Panchayat Secretary for which the qualification prescribed is only 12<sup>th</sup> pass. According to the petitioner, she is a Class 12th pass candidate and is thus eligible for Panchayat Secretary. However, the respondents have not considered this aspect and have rejected the claim of the petitioner on the ground of her not having the qualification required for Assistant Teacher (P).
3. Given the limited grievance that the petitioner has made and the documents enclosed along with the writ petition, this Court is of the opinion that ends of justice would meet if the matter stands remitted back to the respondents no.3 to reconsider the case of the petitioner for appointment as a Panchayat Secretary taking into consideration the qualification which the petitioner has i.e. 12<sup>th</sup> pass and a fresh order be passed in this regard.
4. With the aforesaid observation, the writ petition stands disposed of directing respondent no.3 to reconsider the case of the petitioner for grant of compassionate appointment on the post of Panchayat Secretary as per the policy of the State Govt. dated 8<sup>th</sup> January, 2018. Respondent no.3 is expected to take a decision afresh within a period of 4 months from the date of receipt of copy of this order.

**Sd/-**  
**P. Sam Koshy**  
**Judge**