

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 9288 of 2019**

Anjali Kori D/o Late Shri Ajay Kori, Aged About 20 Years, R/o. C/o. Shri Premlal Tantuway, Assistant Teacher, Next To Jacob Dhaba, Civil Ward No.-5, Kreyavanshan Colony, Damoh, District Damoh (M.P.), Presently Residing At MIG-II, Phase-I, 44, Kabir Nagar, Raipur Chhattisgarh,

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Deputy Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. Secretary, Department Of Electronics And Information Technology, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
4. Rajendra Kumar Vinodiya (Kori), 1800, Govind Bhawan, South Civil Lines, Jabalpur (M.P.)

---- Respondents

For Petitioner	:	Mr. Pawan Kesharwani, Advocate
For State	:	Ms. Abhyunati Singh, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18.11.2019**

1. The challenge in the present writ petition is to the order Annexure P-1

dated 03.02.2018 whereby the respondents have asked the petitioner to obtain a succession certificate from the Court for the purpose of considering her claim for compassionate appointment.

2. The case of the petitioner in brief is that it is said that the petitioner is the unmarried daughter of late Ajay Kumar Kori, an Assistant Teacher under the respondents who died in harness on 26.07.2017. The petitioner, on the death of her father, had moved an application for compassionate appointment on 04.12.2017 which has now been decided by Annexure P-1.
3. Contention of the petitioner is that the demand for succession certificate by the respondents is totally uncalled for. According to the petitioner, the respondents have a specific scheme for compassionate appointment and a specific format issued to be filled in which the petitioner had duly filled. The respondents have only to enquire upon the details given in the said format and the case of the petitioner has to be considered. According to the petitioner, a succession certificate is normally issued by the Civil Court under Section 372 of the Indian Succession Act, 1925. The said provision does not empower the concerned Civil Court to issue succession certificate for the purpose of compassionate appointment. The provision of Section 372 of the Indian Succession Act, 1925 deals with only issuance of Succession certificate in respect of any debt or debts due to the deceased or in respect of portion thereof. The claim for compassionate appointment cannot be brought within the ambit of these conditions which have been stipulated under Section 372 of the Indian Succession Act. The respondents have all the power to call upon the details available with

the petitioner by which the petitioner could establish that she is in fact the daughter of the deceased employee. The respondents can get those documents duly verified and subject to verification of the same, the case for compassionate appointment has to be considered. The respondents cannot direct for obtaining a succession certificate from a Civil Court as the Civil Court is not empowered under the provisions of law for issuance of succession certificate for the claim of compassionate appointment. The impugned order Annexure P-1 dated 03.02.2018 is therefore not sustainable and the same deserves to be and is accordingly set aside.

4. The Civil Courts otherwise are not technically and legally competent to issue succession certificate for compassionate appointment. Hence, insisting for such an order from a Court is totally unsustainable and uncalled for.
5. Given the said facts, since the impugned order Annexure P-1 stands set aside, the matter stands remitted back to the authorities concerned to reconsider the case of the petitioner for compassionate appointment in terms of the scheme applicable. So far as the relationship of the petitioner with the deceased is concerned, the authorities concerned may verify the same from the records which the petitioner can be asked to produce for determination of her relationship with the deceased. The authorities may verify the same from the documents like Adhar card, PAN card, Ration card, birth certificate, school certificate, caste certificate, etc.
6. Considering the entire facts and circumstances of the case and also taking note of the fact that the application of the petitioner was filed in

2017, the respondents are directed to consider the case of the petitioner on merits and take an appropriate decision at the earliest, preferably within a period of 4 months from the date of receipt of copy of this order.

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

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

Khatai