

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 1683 of 2020

Lakheshwar Prasad Sonwani, S/o. Late Shri Uday Ram Sonwani, Aged About 38 Years, Occupation Service, Working As Peon And Posted At Middle School, Kohdiya, Block Korba, District Korba Chhattisgarh.

--- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Tribal Welfare Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
2. Assistant Commissioner, Tribal Welfare, Korba, District Korba, Chhattisgarh.
3. District Education Officer Korba, District Korba Chhattisgarh.

--- Respondents

For Petitioner	:	Mr. Soumitra Kesharwani, Advocate on behalf of Mr. Awadh Tripathi, Advocate
For State	:	Mr. Kunal Das, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.03.2020

1. Learned counsel for the petitioner contends that the petitioner was appointed on the basis of compassionate appointment to the post of Grade-IV on 27.02.2011 after death of his father Uday Ram, who died in harness. Subsequently, during the course of employment, the petitioner has acquired higher qualification and passed out B.A., therefore, the petitioner may be upgraded to the post of Assistant Grade-III like that of other persons.
2. Perusal of the document would show that the petitioner has passed out B.A. and copy of the mark sheet of 2005 is on record. The document also shows that the petitioner has made an application to upgrade his position from Class-IV to Class-III as he has acquired the qualification. The application since has been preferred to the respondent No.2- Assistant Commissioner, Tribal Welfare Korba and respondent No.3- District Education Officer, Korba; therefore, they are directed to decide the application of the petitioner in accordance to the rules

prevailing in the Department. If the similarly situated persons have been granted the benefit and have been upgraded then why not the petitioner may also be considered in the same principles ? The orders taking into such facts, if are correct may be passed within an outer limit of six months from the date of receipt of a copy of this order.

3. With the aforesaid observation, this writ petition stands disposed off.

Sd/-
(GOUTAM BHADURI)
JUDGE

Aks