

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3822 of 2020**

- Smt. Mamta Gupta W/o Late Dinesh Kumar Gupta Aged About 39 Years R/o Bhattipara, Baikunthpur, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.,
2. Director Directorate Of Public Instructions, Indrawati Bhawan, Nava Raipur, District Raipur Chhattisgarh.
3. Collector District Koriya, Baikunthpur, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
4. District Education Officer Koriya, Baikunthpur Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
5. Principal Government Higher Secondary School, Bhakhar, Baikunthpur, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Shashank Thakur, Advocate.
For State	:	Mr. Akanksha Jain, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri**Order****30-09-2020**

1. The present petition is filed by the widow of late Shri Dinesh Kumar Gupta, who died on 27-7-2016 while working as Assistant Grade II in Government Higher Secondary School,

Bhakhar, District Koria. Thereafter, an application was filed by the petitioner, who is legally wedded wife before the respondent No.5 – Principal, Government Higher Secondary School, Bhakhar, Baikunthpur, District Koriya, wherein it was further informed by letter dated 2-9-2016 (Annexure P/3) that since one another Smita Gupta has also claimed for retiral dues, therefore, they were advised to obtain a succession certificate.

2. Learned counsel for the petitioner submits that subsequent thereto by the Court of Civil Judge, Class-1, Baikunthpur in a proceeding under the Succession Act by order dated 11-1-2019 (Anenxure P/5) wherein Smita Gupta was also party, had granted the succession certificate. It was observed that the petitioner is the wife and she is entitled for retiral dues as no valid decree of divorce was passed between deceased Dinesh Kumar Gupta and Smita Gupta. He would further submit that subsequently, an application was also filed before the Collector and the Collector by order dated 29-11-2019 (Annexure P/6) certified that the petitioner is legal heir and is entitled for compassionate appointment. He would further submit that under these circumstances, the only prayer before this court is that the application for compassionate appointment of the petitioner may be decided within a reasonable time.

3. Considering the limited prayer made and taking into finding given by the Civil Judge, Class-1, Baikunthpur, dated 11-1-2019 (Annexure P/5) and further the order dated 29-11-2019, passed by the Collector (Annexure P/6), it is directed that respondent No.4 District Education Officer, shall decide the application for compassionate appointment preferred by the petitioner within a further period of 90 days from the date of receipt of a copy of this order.
4. With the aforesaid observation/direction, the writ petition stands disposed of.

Sd/-

(Goutam Bhaduri)
Judge

Raju