

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.1242 of 2016**

Satish Rangari S/o Late Shri Shatrughan Rangari, Aged about 28 years, R/o Vill. Badra, Post – Kerawahi, Tahsil – Makdi, Civil & rev. Distt.Kondagaon (CG)

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

- 1.** State of C.G. Through the Secretary, Education Department, Mantralaya, Naya Raipur, Civil & Revenue Distt-Raipur (CG)
- 2.** The Collector, Kondagaon, Distt.Kondagaon (CG)
- 3.** The Block Education Officer, Block Makdi, Distt.Kondagaon

----- **Respondents**

For Petitioner	:	Mr.Prafull Bharat, Senior Advocate with Mr.Keshav Dewangan, Advocate
For Respondents	:	Mr.Amrity Das, Addl.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

06/12/2021

- 1.** Shri Shatrughan Rangari while working as Assistant Teacher died in harness on 5.2.2000, at that time, the petitioner was minor, therefore, he could not move an application for compassionate appointment. When the petitioner became major in the year 2006, then ultimately he filed an application for compassionate appointment on 19.8.2006, which was processed and ultimately, the District Education Officer, Jagdalpur, by order dated 1.8.2013 (Annexure R-3) rejected the application holding that it has been filed after 8 years from the date of death of his father and that order was not challenged and has become final. Now again the petitioner filed an application on 17.6.2014, which has been rejected by respondent No.2/Collector,

Kondagaon on 2.7.2014 (Annexure P-8), which has been called in question by way of this writ petition stating inter-alia that the petitioner is entitled for compassionate appointment.

2. Return has been filed opposing the writ petition stating that the petitioner's application for compassionate appointment has already been rejected by the District Education Officer, Jagdalpur vide order dated 1.8.2013 (Annexure R-3), which has become final and again the application dated 17.6.2014 has been rejected by the impugned order dated 2.7.2014 (Annexure P-8), as such, the writ petition is liable to be dismissed.
3. Mr.Prafull Bharat, learned Senior Counsel with Mr.Keshav Dewangan, learned counsel for the petitioner, would submit that the petitioner is entitled for compassionate appointment and the impugned order dated 2.7.2014 (Annexure P-8) passed by the Collector, Kondagaon deserves to be set aside.
4. On the other hand, Mr.Amrito Das, learned Additional Advocate General for the respondents / State, would oppose the writ petition and submit that the order dated 1.8.2013 (Annexure R-3) has become final and therefore, the petitioner is not entitled for compassionate appointment. Even otherwise, the order dated 2.7.2014 (Annexure P-8) passed by respondent No.2/Collector, Kondagaon is strictly in accordance with law.
5. I have heard learned counsel appearing for the parties,

considered their rival submissions made hereinabove and also went through the records with utmost circumspection.

6. The petitioner's father died in harness on 5.2.2000, at that time, the petitioner was minor and when he became major, he filed an application for compassionate appointment on 19.8.2006, which has been rejected by the District Education Officer, Jagdalpur by order dated 1.8.2013 (Annexure R-3) and that order has become final as it has not been challenged by the petitioner and thereafter again second application was filed on 17.6.2014, which has been rejected by respondent No.2 holding that in view of delay in making application compassionate appointment cannot be granted.

7. The fact remains that the petitioner's father died on 5.2.2000 and the petitioner's first application for compassionate appointment was rejected on 1.8.2013 (Annexure R-3), which has not been challenged by the petitioner and that order has become final and thereafter, second application dated 17.6.2014 could not have been filed as his earlier application has already been rejected on merits by order dated 1.8.2013 (Annexure R-3). Even otherwise, the petitioner has sustained for last 21 years from the date of death of his father and therefore, no useful purpose will be served by granting compassionate appointment to the petitioner. As such, I do not find any illegality or perversity in order rejecting the petitioner's application for compassionate appointment.

8. Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed leaving the parties to bear their own cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-