

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2411 of 2021

1. Smt. Nazreen Bano W/o Late Dilfiroz Khan Aged About 30 Years R/o Village Satpata, P.O. Vishrampur, Block and District Surajpur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Panchayat and Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh.
2. Collector Surajpur District Surajpur Chhattisgarh.
3. Chief Executive Officer Zila Panchayat Surajpur District Surajpur Chhattisgarh.
4. District Education Officer Surajpur District Surajpur Chhattisgarh.
5. Chief Executive Officer Janpad Panchayat Bhaiyathan, District Surajpur Chhattisgarh.

---Respondents

For Petitioner	:	Smt. Meena Shashtri, Advocate.
For State	:	Shri Amrito Das, Addl. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16.06.2021

1. The issue involved in the present writ petition is pertaining to claim for compassionate appointment of the petitioner.
2. The Husband of the petitioner late Dilfiroz Khan was working on the post of Lecturer (Panchayat) who died in harness on 09.09.2020. The petitioner thereafter immediately moved an application for compassionate appointment, however, the authorities concerned have issued a letter dated 22.01.2021 (Annexure P/6) granting three years time for the petitioner to attain the requisite educational qualification for compassionate appointment on the post of Teacher (Panchayat).
3. At this juncture the counsel for the petitioner draws attention of the court to Annexure P/7, circular of the State Govt. dated 08.01.2016 whereby the Govt. has taken a policy decision so far as grant of compassionate appointment in respect of Teacher (Panchayat) are concerned and where

the policy stood modified to the extent that in the event of the person claiming compassionate appointment not fulfilling the requisite educational qualification for the post of Assistant Teacher (Panchayat), they could be considered for appointment as Panchayat Secretary on compassionate basis. The counsel for the petitioner submits that a suitable direction be issued to the respondents for considering the claim of the petitioner on the post of Secretary Panchayat instead of being considered for appointment on the post of Assistant Teacher (Panchayat).

4. Learned counsel for the State submits that subject to verification in respect of the existence of the said circular dated 08.01.2016 as on date, let the petitioner move appropriate representation to the authorities in respect of her claim for compassionate appointment as Panchayat Secretary instead of Assistant Teacher, the same shall be considered and decided in accordance with policy governing the field at the earliest.
5. Given the said submissions by the counsel on either side, the writ petition at this juncture stands disposed of directing the petitioner to approach the respondents by moving appropriate application quoting the circular dated 08.01.2016 for appropriate relief in accordance with said circular. Subject to petitioner moving appropriate representation, the respondents are expected to take a decision on the said representation at the earliest preferably within a period of 90 days from the date of receipt of request letter/representation being made by the petitioner.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge