

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3700 of 2021**

Rakesh Kumar Bhagat S/o Late Shri Mangal Sai Bhagat Aged About 29 Years R/o Village Sajapali , Post Officer Sisringa Tahsil Dharmjaygarh District Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary , Department Of School Education , Mahanadi Bhawan, Post Office Mantralaya , Police Station Rakhi , Atal Nagar District Raipur Chhattisgarh.
2. The Director Public Instruction Department , Indrawati Bhawan, Atal Nagar , District Raipur Chhattisgarh.
3. The District Education Officer Raigarh District Raigarh Chhattisgarh.
4. The Block Education Officer Dharmjaigarh Block Dharmjaigarh District Raigarh Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Vipin Tiwari, Advocate
For State	:	Smt. Binu Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy
Order on Board

19/07/2021

1. The only grievance of the petitioner is the alleged oral rejection of the claim of the petitioner for compassionate appointment by the respondent No.4.
2. According to the petitioner, his father was in government employment working as a Headmaster, Primary School and who died in harness on 22.02.2016. The petitioner had thereafter made an appropriate application for compassionate appointment, but till date the decision as such has not been issued by the respondents in writing, so far as the edibility of the petitioner is concerned for compassionate appointment. According to the petitioner, he has been orally informed

by the respondent No.3 that since a member in the family of the deceased employee was in government employment, his claim has been rejected. However, there is no order in writing in this regard by the respondents.

3. Given the fact that there is no official communication from the respondent No.3 to the petitioner on his claim for the compassionate appointment. It would not be proper for this Court at this juncture to invoke the writ jurisdiction and subject the claim of the petitioner for judicial review. In order to declare a decision of the respondents either valid or illegal, there has to be a communication made in writing in this regard, so that the said order would be upheld or set-aside, while allowing or rejecting the writ petition.
4. Given the said facts and circumstances of the case, the writ petition at this juncture stands disposed of directing the respondents No.2 & 3 to immediately pass an appropriate decision in terms of the policy of the State Government, so far as the claim of the petitioner for compassionate appointment is concerned. Needless to say that the said order, if it is detrimental to the interest of the petitioner, he would have a right to challenge the same again afresh.
5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge