

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3866 of 2021**

Deepak Alias Dipak Agrawal S/o Manrakhan Lal, Aged About 53 Years, R/o Turkari Para, Ward No. 08, Bakshi Marg, Khairagarh, District- Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Education, Mahanadi Bhawan, New Mantralaya, Raipur, Chhattisgarh
2. District Education Officer, Rajnandgaon, District- Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. F. S. Khare, Advocate
For State	:	Mr. Amit Buxy, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28.07.2021**

1. Aggrieved by the impugned order Annexure P-1 the present writ petition has been filed. Vide the impugned order the claim of petitioner for grant of compassionate appointment has been rejected on the ground that the petitioner is overage.
2. The petitioner had raised a claim for compassionate appointment on the death of his unmarried sister who died in harness on 04.07.2017. The petitioner is elder brother of the deceased employee. On the date of death of the employee i.e. in the year 2017 the age of the petitioner was around 50 years. Under the policy for compassionate appointment governing the State of Chhattisgarh the maximum age

permissible for grant of compassionate appointment other than the widow of the deceased employee is 45 inclusive of all benefits and relaxations.

3. In the instant case, admittedly, the petitioner had crossed more than 45 years on the date of death of the deceased employee. In view of the provisions envisaged in the policy for compassionate appointment, since the petitioner was ineligible for compassionate appointment by virtue of his being overaged, the impugned order Annexure P-1 to that extent cannot be said to be either arbitrary or contrary to law/rules/policy. The policy of the State Govt. is not under challenge in the present writ petition. In the absence of challenge to the policy this Court finds it difficult to entertain the writ petition or to hold that the impugned order is bad in law.
4. Given the aforesaid facts and circumstances of the case, this Court does not find any strong case made out calling for an interference with the impugned order.
5. The writ petition thus fails and is accordingly rejected.

**Sd/-
P. Sam Koshy
Judge**