

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5206 of 2021

1. Vikas S/o Late Heera Lal Netam Aged About 22 Years R/o Village Rampur (Thathapur), Post Dharamgarh, Tahsil Sahaspur Lohara, District Kabirdham Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, School Education Department , Mantralaya, Mahanadi Bhawan , Atal Nagar , Nawa Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Public Education Directorate, Indrawati Bhawan, Atal Nagar , Nawa Raipur , District Raipur Chhattisgarh.
3. District Education Officer District Kabirdham Chhattisgarh.
4. Principal Government Higher Secondary School, Bazar Charbhata, District Kabirdham Chhattisgarh.
5. Principal Government Higher Secondary School, Gaindpur , Block Sahaspur Lohara, District Kabirdham Chhattisgarh.

---Respondents

For Petitioner	:	Shri GVK Rao, Advocate.
For State	:	Ms. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27.09.2021

1. Aggrieved by the impugned order dated 26.06.2021, the present writ petition has been filed. Vide the impugned order the claim of the petitioner for compassionate appointment has been rejected. The rejection has been on the ground that one family member is found to be in government employment.
2. Under the scheme for compassionate appointment in the State of Chhattisgarh, there is a clause that the claim for compassionate appointment would not be considered in those cases where one of the family members of the deceased, or one of the dependent were found to be in government employment. In the instant case, the father of the petitioner died in harness on 02.05.2021. On the date of death, the deceased was survived by his widow, three daughters and the petitioner.

All these children were unmarried. One of the eldest daughter namely Jyoti Netam was in government employment.

3. The State counsel submits that one unmarried daughter is found to be in government employment and the policy for compassionate appointment specifically having a clause making persons dis-entitled if any other dependent of the deceased was found to be in government employment, therefore the authorities have rightly rejected the claim of the petitioner.
4. The submission of the petitioner that daughter is working elsewhere by itself would not come to the rescue of the petitioner as the status of the petitioner is that of unmarried daughter and thereby Clause-6-A of the policy of compassionate appointment becomes applicable and the authorities thereby have considered and rejected the claim of the petitioner which, therefore, cannot be said to be in any manner arbitrary or illegal only on the ground that place of posting of unmarried daughter i.e. sister of the petitioner being at a different place. Therefore, no strong case is made out by the petitioner calling for an interference with the impugned order.
5. The writ petition accordingly stands rejected.

Sd/-
(P. Sam Koshy)
Judge

inder