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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE VIVEK RUSIA  
ON THE 20<sup>th</sup> OF DECEMBER, 2023**

**WRIT PETITION No. 8955 of 2022**

**BETWEEN:-**

**NARENDRA KATARIYA S/O LATE SHRI RAMPRASAD  
OCCUPATION: UNEMPLOYED, R/O VILLAGE KUNDLA  
POST JANAKPUR, TEHSIL JAWAD, DISTRICT NEEMUCH  
(MADHYA PRADESH)**

**.....PETITIONER**

***(BY MS. RAVINA BAIRAGEE, ADVOCATE.)***

**AND**

- 1. THE STATE OF MADHYA PRADESH THROUGH  
PRINCIPAL SECRETARY, SCHOOL EDUCATION  
DEPARTMENT, VALLABH BHAWAN, BHOPAL  
(MADHYA PRADESH)**
- 2. DISTRICT EDUCATION OFFICER NEEMUCH,  
DISTRICT NEEMUCH (MADHYA PRADESH)**
- 3. THE PRINCIPAL HIGHER EDUCATION  
DEPARTMENT JANAKPUR, TEHSIL JAWAD,  
DISTRICT NEEMUCH (MADHYA PRADESH)**

**.....RESPONDENTS**

***(BY SHRI SUDHANSHU VYAS, PANEL LAWYER FOR THE STATE.)***

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*This petition coming on for orders this day, the court passed the  
following:*

**ORDER**

01. The petitioner has filed the present petition being aggrieved by order dated 22.10.2019 whereby the District Education Officer Neemuch has rejected the claim of compassionate appointment for want of qualification for the post of Lab Assistant.

02. Father of the petitioner Ramprasad Katariya was working as a Teacher in Government School and he died on 22.12.2014 during the service. The petitioner being a dependent submitted an application on 24.08.2016, his claim was rejected on the ground that he is not having the educational qualification i.e. D.ed. / B.ed. and did not pass the Teachers Eligibility Test. The petitioner acquired the qualification of D.L.ed. on 22.05.2019 and so far as the condition of passing of Teachers Eligibility Test is concerned, the same has been relaxed by notification dated 01.02.2021 (Annexure P/8) for the post of Lab Assistant by the School Education Department.

03. Therefore, now there is no impediment in considering the case of the petitioner in compassionate appointment. If the petitioner is claiming compassionate appointment then amount of compensation i.e. Rs.1,00,000/- which was paid to the deceased employee is liable to be returned. Petitioner is directed to return the amount of Rs.1,00,000/- after issuance of appointment order.

04. Let entire exercise be completed within a period of 45 days from the date of production of certified copy of this order.

Certified copy, as per rules.

**(VIVEK RUSIA)**  
**JUDGE**

Divyansh