CGHC010076742025 2026:CGHC:45404

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1484 of 2025

Shradha Dahariya D/o Late Rameshwar Dahariya Aged About 32 Years R/o Tikari, Masturi, District Bilaspur Chhattisgarh.

... Petitioner

versus

1 - State of Chhattisgarh Through Secretary, Department of Panchayat and Rural Development, Mantralaya, Mahanadi Bhavan, Nava Raipur, Atal Nagar, Raipur, District Raipur Chhattisgarh.

2 - Chief Executive Officer Zila Panchayat, Bilaspur, District Bilaspur Chhattisgarh.

3 - Chief Executive Officer Janpad Panchayat, Masturi, District Bilaspur Chhattisgarh.

... Respondents

For Petitioner	:	Mr. Vedant Shadangi, Advocate
For State/Respondent No.1	:	Ms. Sakshi Bajpai, PL
For Respondents No.2 & 3	:	Mr. Shaleen Singh Baghel, Advocate

(Hon'ble Shri Justice Bibhu Datta Guru)

Order on Board

27/10/2026

1. The petitioner has filed the present writ petition challenging the order dated 03.09.2024 (Annexure P/1), whereby her claim for compassionate appointment has been rejected on the ground that her younger brother, namely, Manish Dahariya, is already employed in Government service as

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an Assistant Teacher at Government Primary School, Nilkanthpur, District Balrampur-Ramanujganj, Chhattisgarh.

2. Learned counsel for the petitioner submits that the petitioner had submitted an application for compassionate appointment on 03.10.2023, following the death of her father, Late Rameshwar Dahariya, on 02.07.2023. It is contended that the petitioner was entitled to consideration of her claim in accordance with the applicable policy governing compassionate appointment. Learned counsel further submits that the petitioner's claim has been rejected merely on the ground that her younger brother is employed in Government service, without properly appreciating the circumstances in which the claim was made. It is, therefore, contended that the impugned order is unsustainable and deserves to be quashed, with a direction to the respondents to reconsider the petitioner's claim for compassionate appointment in accordance with law.

3. *Per contra,* learned counsel appearing for the respondents submit that the petitioner's claim has rightly been rejected in accordance with the policy governing compassionate appointment. It is submitted that the petitioner's younger brother, Manish Dahariya, was appointed as an Assistant Teacher on 09.03.2024 and was employed in Government service when the petitioner's claim was rejected on 03.09.2024. Therefore, in view of Clause 6(a) of the circular dated 23.02.2019, the petitioner was not entitled to compassionate appointment. They further submit that the subsequent termination of the services of the petitioner's younger brother, vide order dated 10.01.2025, does not render the

impugned order illegal, as the petitioner's claim was rejected when her younger brother was employed in Government service. Learned counsel further submits that the controversy involved in the present case is covered by the decision of the Full Bench of this Court in ***State of Chhattisgarh & Others v. Umesh Thakur, Writ Appeal No. 236 of 2022, decided on 21.06.2023***. On these grounds, it is prayed that the writ petition be dismissed.

4. I have considered the rival submissions made on behalf of the parties and perused the material available on record.

5. The facts emerging from the pleadings are that the petitioner's father, Late Rameshwar Dahariya, died in harness on 02.07.2023; the petitioner submitted her application for compassionate appointment on 03.10.2023; her younger brother, Manish Dahariya, was appointed as an Assistant Teacher on 09.03.2024; and the petitioner's claim was rejected by the impugned order dated 03.09.2024. It is further stated that the services of the petitioner's younger brother were terminated subsequently, vide order dated 10.01.2025.

6. The principal question for consideration is whether the petitioner's claim for compassionate appointment can be sustained in view of the employment of her younger brother in Government service at the time when the impugned order was passed and the restriction contained in the applicable policy governing compassionate appointment.

7. The respondents have relied upon Clause 6(a) of the circular dated 23.02.2019 to contend that where a member of the family of the

deceased Government servant is already employed in Government service, another member of the family is not entitled to compassionate appointment. The applicability and effect of the aforesaid provision have to be examined in the light of the law declared by the Full Bench of this Court.

8. In **Umesh Thakur (supra)** the Full Bench considered the question concerning the entitlement to compassionate appointment where another member of the family of the deceased Government servant is already employed in Government service and the applicable policy restricts the appointment of another dependent. The Full Bench held that where the applicable policy bars consideration of the claim of another dependent on the ground that a family member of the deceased Government servant is already in Government service, the Court cannot direct an enquiry into whether such employed family member provides financial support to the other dependants. Such an enquiry would amount to rephrasing or rewriting the terms of the applicable scheme or policy, which is impermissible.

9. The principle emerging from the aforesaid decision is that a claim for compassionate appointment must be considered strictly in accordance with the applicable policy. Where the policy prescribes a restriction or disqualification, the Court cannot direct the authorities to disregard the same or introduce an additional criterion not contemplated under the scheme.

10. In the present case, the specific stand of the respondents is that the

petitioner's younger brother was appointed to a Government post on 09.03.2024 and was in Government service when the impugned order dated 03.09.2024 was passed. The petitioner's claim was rejected by applying Clause 6(a) of the circular dated 23.02.2019. In the absence of any established ground demonstrating that the impugned order was contrary to the applicable policy or the law governing compassionate appointment, the rejection cannot be interfered with merely because the petitioner seeks consideration of her claim independently of the employment of her younger brother.

11. The fact that the petitioner's application was submitted on 03.10.2023, before the appointment of her younger brother on 09.03.2024, does not, by itself, establish that the subsequent rejection of the claim was unlawful. The claim for compassionate appointment is required to be considered in accordance with the governing policy and the relevant circumstances applicable to its consideration. The mere prior submission of an application does not confer an indefeasible right to appointment contrary to the applicable scheme.

12. So far as the subsequent termination of the services of the petitioner's younger brother on 10.01.2025 is concerned, the said development occurred after the passing of the impugned order. Such subsequent event does not, by itself, render the order dated 03.09.2024 illegal retrospectively. Nor does it automatically confer upon the petitioner an enforceable right to compassionate appointment. The legality of the impugned order has to be examined with reference to the applicable policy and the circumstances in which the decision was taken. The

subsequent termination, without anything more, is not sufficient to invalidate the impugned order in the present proceedings.

13. It is also well settled that compassionate appointment is an exception to the general rule of recruitment and is intended to provide immediate assistance to the family of a deceased employee in accordance with the applicable scheme. Such appointment cannot be claimed as a matter of right, and the authorities are required to adhere to the conditions and restrictions prescribed under the governing policy.

14. For the reasons discussed hereinabove and applying the law laid down by the Full Bench of this Court in ***Umesh Thakur (supra)***, this Court finds no sufficient ground to interfere with the impugned order dated 03.09.2024 (Annexure P/1). The same is just and proper.

15. Consequently, the writ petition, being devoid of merit, is dismissed.

16. There shall be no order as to cost(s).

SD/-
(Bibhu Datta Guru)
JUDGE

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