CGHC010399262026 2026:CGHC:43915

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7391 of 2026

Smt. Sonamati Jaiswal W/o Late Jamuna Prasad Jaiswal Aged About 42 Years R/o Village Chanchidand, Post Masga, Tehsil And Police Station Pratappur, District Surajpur Chhattisgarh. **... Petitioner(s)**

versus

1 - State Of Chhattisgarh Through- The Secretary School Education Department, Mahanadi Bhawan Mantrlaya Atal Nagar New Raipur, District Raipur Chhattisgarh.

2 - The District Education Officer, Surajpur District Surajpur Chhattisgarh.

3 - The Block Education Officer, Odgi, District Surajpur Chhattisgarh.

4 - Smt, Savita Jaiswal W/o Pawan Kumar, Aged About 43 Years R/o Village Karri, Post Balangi, Polie Station Raghunathnagar District Balrampur Ramanujganj Chhattisgarh.

5 - The Collector Surajpur, District Surajpur Chhattisgarh. **... Respondent(s)**

(Cause title is taken from the CIS)

For Petitioner : Shri DN Prajapati, Advocate

For Respondent/State : Shri Aditya Tiwari, PL

Hon'ble Shri Justice Ravindra Kumar Agrawal

Order on Board

09.10.2026

1. Heard.

2. Present is a writ petition filed by the petitioner under Section 226 of the Constitution of India for the following reliefs:

"10.1 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, thereby setting-aside the impugned order dated 29.08.2024 (Annexure P1).

10.2 That, this Hon'ble Court may kindly be pleased to direct the respondent No.3 to provide compassionate appointment to the petitioner on account of death of her mother-in-law namely Gulab Kunwar.

OR

That, this Hon'ble court may kindly be pleased to direct the respondent authorities to act according to final outcome of succession Case No.39/2024 "*Sonamati Jaiswal & Anr. Vs. District Education Officer & Others"* pending before the learned Civil Judge Class-1, Surajpur, District-Surajpur (CG)

10.3 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given."

3. Learned counsel for the petitioner would submit that the petitioner is daughter-in-law of the deceased employee Gulab Kunwar, who died in harness on 29.05.2024. After her death, petitioner had made an application for compassionate appointment on 19.06.2024. Since the daughter of the deceased employee has also made an application for compassionate appointment, the department has directed the petitioner to obtain succession certificate with respect to legal heirs of the deceased employee. Thereafter, petitioner initiated a succession case No.39 of 2024 before the learned Civil Judge Class-I, Surajpur, which is pending consideration. During pendency of

the case, department extended the benefit of appointment on compassionate ground to daughter of the deceased employee, i.e. respondent-4, vide order dated 29.08.2024. When the petitioner came to know about the compassionate appointment of respondent-4, she moved an application through right to information (RTI) and when the necessary information was supplied to her, she filed the present writ petition. He would further submit that the petitioner is presently residing at her matrimonial house, and she was also dependent upon the deceased employee. Without considering the grievance of the petitioner, respondent-4 was provided compassionate appointment by the department. Therefore, appointment of respondent-4 may be quashed and the present petitioner may be given compassionate appointment in lieu of death of employee, who was mother-in-law of the petitioner.

4. On the other hand, learned counsel appearing for the State opposes submissions of learned counsel for the petitioner and would submit that compassionate appointment has already been provided to respondent-4 on the basis of documents available on record, as she being the daughter and legal heir of the deceased employee. The petitioner herself is claiming succession certificate in her favour. As on date, respondent-4 is the legal heir of the deceased employee. He would also submit that the petitioner was well within the knowledge of compassionate appointment of respondent-4 given on 29.08.2024 and after about two years, present writ petition has been filed, which is not maintainable.

5. Heard learned counsel for the parties and perused the documents annexed with the petition.

6. From perusal of the documents, it transpires that deceased employee-Gulab Kunwar has died on 29.05.2024. Thereafter, petitioner and respondent-4 have made rival claims for compassionate appointment. Petitioner is daughter-in-law, and respondent-4 is daughter of the deceased employee. The department has already given compassionate appointment to respondent-4 on 29.08.2024, considering that she being the daughter, is the legal heir and dependent upon the deceased employee. As per the submissions of learned counsel for the petitioner, petitioner's succession case is still pending for its consideration before the learned trial Court. Since the compassionate appointment has already been given to respondent-4 she being the daughter and legal heir of the deceased employee, her appointment cannot be disturbed as she was extended the benefit of compassionate appointment after verifying the necessary documents.

7. Further, compassionate appointment was given to respondent-4 on 29.08.2024 and the present writ petition has been filed on 04.10.2026, which is more than after two years. Therefore, this Court is not inclined to interfere with the impugned order dated 29.08.2024, passed by the department authorities, whereby respondent-4 has been granted compassionate appointment.

8. Accordingly, the writ petition filed by the petitioner fails, and it is hereby dismissed.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

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V PADMAVATHI
Date: 2026.10.13
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