CGHC010416042026 2026:CGHC:45841

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7727 of 2026

1 - Smt. Sangeeta Devid W/o Late Dinesh Devid, Aged About 65 Years

2 - Sushmita Devid D/o Late Dinesh Devid, Aged About 26 Years

Both Resident of Shail Vihar Mangla, Behind Petrol Pump, Bilaspur, District Bilaspur (C.G.)

... Petitioners

versus

1 – State of Chhattisgarh Through The Secretary, Department of Health, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur (C.G.)

2 - Commissioner Health Department Indravati Bhawan Atal Nagar, New Raipur, District Raipur (C.G.)

3 - Chief Medical and Health Officer, Bilaspur District Bilaspur (C.G.),

4 - Block Medical Officer, Bilha District Bilaspur (C.G.)

5 - Amit David S/o Late Dinesh Devid Resident of C/o. Kalvani Golhar, Chandani Chowk, Shiv Marg, Sefar School Slop, Near Rajju Hotel, Kududand, Bilaspur, District Bilaspur (C.G.)

... Respondents

For Petitioners	:	Mr. Raghvendra Verma, Advocate
For State	:	Mr. Aditya Tiwari, PL

(Hon’ble Shri Justice Bibhu Datta Guru)

Order on Board

29/10/2026

ASHUTOSH MISHRA
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Date: 2026.10.30 10:41:41 +0530

1. The present writ petition has been filed seeking, inter alia, a direction to the respondent authorities to consider the claim of petitioner No. 2 for appointment on compassionate grounds in preference to respondent No. 5. The petitioners have also sought consideration of their representations dated 27.08.2026 and 03.09.2026 seeking withdrawal of the consent earlier given in favour of respondent No. 5 for compassionate appointment.

2. Learned counsel for the petitioners submits that the petitioners have submitted representation dated 27.08.2026 (Annexure P-3) before the competent authority seeking withdrawal of the aforesaid consent; however, the same have not been considered and decided till date. It is, therefore, prayed that an appropriate direction be issued to the competent authority to consider and decide the representations in accordance with law.

3. Learned State counsel submits that if the representation dated 27.08.2026 (Annexure P-3) is still pending, the same shall be considered and necessary orders will be passed after giving opportunity of hearing to Respondent No.5.

4. In view of the submission made by learned counsel for the parties and having regard to the nature of the relief sought and without expressing any opinion on the merits of the rival claims, this Court is of the view that the ends of justice would be served by directing the competent authority to consider and decide the petitioners' representation.

5. Accordingly, the writ petition is disposed of with a direction to the

competent authority, namely, the Chief Medical and Health Officer (CMHO), to consider and decide the petitioners' representation dated 27.08.2026 (Annexure P/3), seeking withdrawal of the consent given in favour of respondent No. 5 for appointment on compassionate grounds, within a period of forty-five days from the date of receipt of a copy of this order.

6. Before taking a decision on the said representation, the competent authority shall issue notice to respondent No. 5 and afford an adequate opportunity of hearing to respondent No. 5. The authority shall consider the petitioners' representation, the objections, if any, raised by respondent No. 5, and the relevant facts and circumstances, including the claim of respondent No. 5 for appointment on compassionate grounds, before passing a reasoned and speaking order in accordance with law.

7. It is made clear that this Court has not expressed any opinion on the merits of the claim of either the petitioners or respondent No. 5 for appointment on compassionate grounds. The competent authority shall take its decision independently, in accordance with the applicable rules and policy governing compassionate appointment.

8. With the aforesaid directions, the writ petition stands disposed of.

SD/-
(Bibhu Datta Guru)
JUDGE

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