CGHC010416152026 2026:CGHC:45268

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7692 of 2026

1 - Ku. Shanti Sethiya D/o Shri Jhinu Ram, Aged About 47 Years Mother Late Sukal Bai, (Dob 03/07/1978), R/o 89, Village Panchayat Ghatpadamur Para, Bhataguda, Post Office Titirgaon, Dharampura, Tahsil Jagadalpur, District Bastar (C.G.) Pin 494001, Mb. 9406002191

... Petitioner

versus

1 - State Of Chhattisgarh Through, The Secretary, Higher Education Department, Atal Nagar, New Raipur, Tahsil And District Raipur (C.G.). Pin 492002

2 - Commissioner's Office Incharge, In The Commissioner Of The Higher Education Department, Block-3, Indrawati Bhawan, Atal Nagar, New Raipur, Tahsil And District Raipur (C.G.) Pin 492002

3 - The Principal Of The Government Kaktiya Post Graduate College Jagdalpur, District Bastar, (Cg) Pin 494001,

... Respondents

(Cause title is taken from Case Information System)

For Petitioner	: Mr. Vijay K. Deshmukh, Advocate
For Respondents/ State	: Ms. Apurva Nigam, Panel Lawyer

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

27/10/2026

1. By the present writ petition, the petitioner is seeking for the following reliefs :-

> “10.1. That this Hon'ble court may kindly be pleased to call for the entire records relating to the petitioner's case.
>
> 10.2. That this Hon'ble court may kindly be quashed the impugned order/letter dated 09/01/2026 Annexure P/1 and Ann. P/9 impugned order dated 27/07/2026 which is passed by the respondent R/2 the Commissioner Higher Education.
>
> 10.3. That this Hon'ble court may kindly be directed to the respondent R/2 to comply the circular for compassionate appointment for the petitioner with the Letter & Spirit and also motive of the scheme of compassionate appointment being a single legal representative of the late employee's unmarried daughter.
>
> 10.4. That this Hon'ble Court may kindly be directed to the respondent R/2 to pay the all death claims of the mother of the petitioner, pension and penalty interest on the total unpaid amount from date of death dated 29/10/2025.
>
> 10.5. Any other relief may also be granted to the petitioner which this Hon'ble court feels fit in the facts and circumstances of the case.”

2. Learned counsel for the petitioner submits that the petitioner is the daughter of the deceased employee, who was working as a Peon under respondent No. 3. After the death of the deceased employee, the petitioner's mother was granted compassionate appointment. However, she subsequently died due to cancer. Thereafter, the petitioner applied for compassionate appointment, but her application was rejected by the respondents on the ground that she had crossed the prescribed age limit of 45 years, as stipulated in the policy governing compassionate appointment dated 14.06.2013. Learned counsel further submits that, in terms of the Circular dated 22.11.2007 (Annexure P-6), a provision has

been made for relaxation of the maximum age limit in the case of the widow of a deceased employee. It is contended that the petitioner's case deserves special consideration, as no other earning member is available in the family and the petitioner is the only daughter of the deceased employee. Accordingly, learned counsel prays that the petitioner's case be considered as a special case, the prescribed age limit be relaxed, and the impugned order of rejection (Annexure P-9) be quashed.

3. Learned counsel for the State submits that Clause 11 of the State Government Policy dated 14.06.2013 specifically prescribes the maximum age limit of 45 years for candidates such as the petitioner, who is the daughter of the deceased employee. It is undisputed that the petitioner has crossed the prescribed age limit of 45 years. Therefore, the impugned order rejecting her application for compassionate appointment is just and proper.

4. I have heard learned counsel for the parties, perused the pleadings and documents.

5. It is not in dispute that the petitioner is the daughter of the deceased employee and has crossed the prescribed age limit of 45 years. Clause 11 of the State Government Policy dated 14.06.2013 specifically prescribes the maximum age limit of 45 years for candidates seeking compassionate appointment. Since the petitioner's application for compassionate appointment has been rejected on the ground that she has crossed the prescribed

age limit, no illegality can be said to have been committed by the respondents in passing the impugned order of rejection.

6. As regards the relaxation of the maximum age limit provided to the widow of a deceased employee under the Circular dated 22.11.2007, the said provision is of no assistance to the petitioner, as she is the daughter of the deceased employee and the aforesaid Circular is not applicable to her case.

7. In view of the foregoing discussion, this Court finds no merit in the present petition. Accordingly, the petition is **dismissed**.

SD/-
(BIBHU DATTA GURU)
JUDGE

Amardeep