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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7960 of 2026

Mahendra Adil S/o Late Rajendra Adil Aged About 26 Years R/o Word No. 09 Hiranagar, (Achholi - Urla), Tahsil - Dharsiwan Distt. - Raipur (C.G.)

... Petitioner

versus

1 - State Of Chhattisgarh Through - The Secretary, Department Of Urban Administration And Development And Chairman, Mahanadi Bhawan New - Raipur, Distt.- Raipur (C.G.)

2 – Director, Directed Of Urban Administration And Development Indravati Bhawan -New Raipur , Distt- Raipur (C.G.)

3 – Collector, Raipur, Distt.- Raipur (C.G)

4 - Joint Director, Regional Office -Urban Administration And Development - Raipur , Distt.-Raipur (C.G.)

5 – Commissioner, Municipal Corporation Birgaon, Distt- Raipur(C.G)

... Respondent(s)

(Cause title is taken from Case Information System)

For Petitioner	: Mr. A. N. Pandey, Advocate
For Respondents/ State	: Mr. Vivek Verma, Govt. Advocate
For Respondent No.3	: Mr. Satish Gupta, Advocate

Hon’ble Shri Bibhu Datta Guru, Judge

Order on Board

04/11/2026

1. By the present writ petition, the petitioner seeks a direction to the respondent authorities to change the post offered to him on compassionate grounds consequent upon the death of his father and to grant him appointment to the post of Assistant Grade-III.

2. Learned counsel for the petitioner submits that the petitioner was appointed as a Peon vide order dated 05.05.2026 (Annexure P/10), pursuant to his application seeking compassionate appointment consequent upon the death of his father, who was working as a Revenue Inspector in the Municipal Corporation, Birgaon and died in harness on 24.07.2025. He submits that, thereafter, the petitioner submitted an application seeking a change of his post from Peon to Assistant Grade-III, considering his higher educational qualifications. On the said application, the Commissioner, Municipal Corporation, sought guidelines from the Joint Director regarding the availability of the post. Learned counsel further submits that, as per the applicable policy, appointments on compassionate grounds to the post of Assistant Grade-III are permissible only to the extent of 10% of the total sanctioned strength of the said post. He points out that, as per the sanctioned strength of the Corporation, there are eight posts of

Assistant Grade-III, and the 10% calculation comes to 0.8. Therefore, the petitioner prays that the respondent authorities be directed to consider his application for change of post and grant him compassionate appointment to the post of Assistant Grade-III.

3. *Per contra*, learned counsel appearing for the respondents, while referring to Clause 20(1) of the applicable policy of the State Government, submit that once an applicant has been granted compassionate appointment, his subsequent request for appointment to any other post or for change of the post already offered cannot be entertained. Learned counsel further placed reliance upon the judgment of the Hon'ble Supreme Court in ***I.G. (Karmik) v. Prahlad Mani Tripathi*****, reported in (2007) 6 SCC 162**, wherein it has been held that once an appointment on compassionate grounds has been consummated, any further or second consideration for appointment to a higher post on compassionate grounds does not arise. Learned counsel, therefore, submit that the petitioner is not entitled to the relief sought and the present writ petition deserves to be dismissed.

4. I have heard learned counsel for the parties and perused the pleadings as well as the documents available on record.

5. It is not in dispute that the petitioner has already been granted compassionate appointment to the post of Peon, which he has accepted and joined. Clause 20(1) of the applicable Compassionate Appointment Policy specifically provides that once

an applicant has been granted compassionate appointment, his subsequent request for appointment to any other post or for change of the post already offered shall not be accepted. Thus, the petitioner's subsequent request for change of post from Peon to Assistant Grade-III cannot be entertained in view of the specific prohibition contained in the policy.

6. It is a well-settled proposition of law that a candidate has no right to claim appointment to a particular post of his choice on compassionate grounds. He can only claim consideration of his candidature for compassionate appointment consequent upon the death of the breadwinner, and it is for the competent authority to decide the matter by taking into consideration various aspects, including the availability of posts in the establishment. (**See**: ***State of M.P. and others v. Ramesh Kumar Sharma*****, 1994 Supp. (3) SCC 661**).

7. Furthermore, the Hon'ble Supreme Court in ***I.G. (Karmik)*** *(supra)*, has observed in paragraph 12 as under:

> "12. Furthermore, Appellant accepted the said post without any demur whatsoever. He, therefore, upon obtaining appointment in a lower post could not have been permitted to turn round and contend that he was entitled for a higher post although not eligible therefor. A person cannot be appointed unless he fulfils the eligibility criteria. Physical fitness being an essential eligibility criteria, the Superintendent of Police could not have made any recommendation in violation of the rules. Nothing has been shown before us that even the

> petitioner came within the purview of any provisions containing grant of relaxation of such qualification. Whenever, a person invokes such a provision, it would be for him to show that the authority is vested with such a power."

8. Applying the well settled law laid down by the Supreme Court and keeping in view the applicable Compassionate Appointment Policy, this Court is of the view that once the petitioner has already been granted appointment on compassionate grounds to the post of Peon and has accepted and joined the said post, he cannot subsequently claim a change of post to a higher post of Assistant Grade-III on the same ground.

9. In view of the aforesaid legal position, the judgments of the Supreme Court and the specific bar contained in Clause 20(1) of the applicable policy, this Court finds no ground to issue a direction to the respondent authorities for changing the petitioner's post from Peon to Assistant Grade-III. Consequently, the relief sought by the petitioner cannot be granted.

10. Accordingly, the writ petition, being devoid of merit, is liable to be and is hereby **dismissed** at the motion stage.

Sd/-

(Bibhu Datta Guru)
JUDGE

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