



2026:CGHC:12722



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 471 of 2022

1 - Neeraj Kumar S/o Late Ishwari Lal Kosre Aged About 30 Years R/o Village Parri, Post Badgaon, Tahsil- Doundilohara, District- Balod (Chhattisgarh)

... **Petitioner**

versus

1 - State Of Chhattisgarh Through- Secretary, Department Of Education Ministry, Mantralaya, Capital Complex, Mahanadi Bhawan New Raipur, District- Raipur, Chhattisgarh

2 - The Collector Dhamtari, District- Dhamtari (Chhattisgarh)

3 - District Education Officer, Dhamtari, District- Dhamtari (Chhattisgarh)

... **Respondent(s)**

For Petitioner(s)	: Mr. Manish Kumar Chandra, Advocate
For State	: Mr. Abhishek Singh, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

17.03.2026

1. Heard on I.A. No.1/2026, an application for permission to change of counsel.
2. On due consideration, I.A. No.1/2026 is allowed.
3. Mr. Chandra is permitted to appear in the matter.
4. The petitioner has filed this petition seeking the following relief(s):-

“10.1 That, this Hon'ble Court may kindly be pleased to set-aside/quash the impugned order dated 12.11.2021 (Annexure P-1) issued by respondent no. 3 i.e. District Education Officer, Dhamtari (C.G.), and consequently direct the respondents to give compassionate appointment to the petitioner, in the interest of justice.



10.2 That the cost of the petition be allowed to the petitioner from the respondent authorities.

10.3 That any other relief/directions which the Hon'ble Court deems fit and proper in the present facts and circumstances of the case may also be granted to the petitioner.”

5. Mr. Chandra, the learned counsel appearing for the petitioner would submit that father of the petitioner, namely late Ishwari Lal Kosre was Head Master in the Government Primary School Rawanguda who died in harness on 03.06.2020. The petitioner being major son moved an application for compassionate appointment which has been rejected on the ground that one of the family members of the deceased employee is already in government service. He would submit that decision of respondent authorities is illegal & bad in law.
6. Mr. Singh, learned Panel Lawyer appearing for the State would oppose the submissions made by Mr. Chandra. He would submit that according to Clause 6A of the Policy for compassionate appointment, if one of the family members of the deceased is already in Government service, any other member of the family would not be entitled to compassionate appointment. He would further submit that the petitioner has not challenged the circular issued by the General Administration Department, State of Chhattisgarh, dated 29.08.2016 whereby clause 6A was inserted. As per the subsequent circular dated 29.08.2016, if any member of the deceased's family is already in Government service, no other family member is eligible for compassionate appointment. He would argue that in **Writ Appeal No. 91 of 2022 (State of Chhattisgarh v. Kevra Bai)** and **Writ Appeal No. 33 of 2022 (State of**



Chhattisgarh v. Muniya Bai), the Hon'ble Division Bench set aside

the direction for factual inquiry regarding the income, holding that there is no such provision in the policy; thus, he prays for the dismissal of the petition.

7. Heard learned counsel for the parties and perused the documents placed in the file.
8. In the matter of **Muniya Bai (*supra*)**, the Hon'ble Division Bench, while dealing with Clause 6A of the policy for compassionate appointment, has categorically held that an inquiry into the financial condition of dependents is not envisaged in the policy. Therefore, no such direction can be issued. The relevant portion is reproduced herein below:

"13. Clause 6A of the Scheme reads as follows: "6A. In the family of the deceased married government servant, if any other member of the family is already in government service, then the other member of the family will not be eligible for compassionate appointment. Explanation. Dependents of the family of deceased married and unmarried government servant shall include the following members: A) In case of married government servant - Dependent mother, dependent parents, widow/widower, son and daughter (including adopted son/daughter, widow/divorced daughter) and daughter in law. B) In case of unmarried government servant (or widower having no son/daughter) mother, brother and sister."

15. A perusal of clause 5 of the Scheme would go to show that it does not envisage that on the death of a married government servant, the parents of the government servant would be entitled to compassionate appointment. It is the spouse of the deceased government employee who is given the first preference and then the son/adopted son, and so on and so forth in the sequence as laid down in clause 5. As only the dependent family members of the deceased government servant as indicated in clause 5 of the Scheme are eligible for compassionate appointment, in absence of definition of family in the



Scheme, it will be reasonable to hold that the relations of the deceased government employee as mentioned in clause 5 would constitute the family of the deceased government employee. If any of the family members as shown in clause 5 of the Scheme is already in government service, in terms of clause 6(A), the other members of the family as mentioned in clause 5 would not be eligible for compassionate appointment."

9. Admittedly, the father of the petitioner, late Ishwari Lal Kosre, died in harness on 03.06.2020. The application for compassionate appointment was submitted on 15.07.2021 and was rejected by respondent No.3/District Education Officer, Dhamtari (C.G.) on 12.11.2021 on the ground that one member of the family is already in the Government service.
10. Clause 6A was inserted in the policy for compassionate appointment vide circular dated 29.08.2016. The petitioner has not challenged the said circular in the present petition.
11. It is a well-settled principle of law that an application for compassionate appointment must be decided strictly in accordance with the prevailing policy.
12. Taking into consideration the above-discussed facts, I do not find any justifiable ground to interfere with the impugned order.
13. Accordingly, the petition fails and is hereby **dismissed**. No cost(s).

Sd/-

Rakesh Mohan Pandey
JUDGE