



2026:CGHC:13403

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 772 of 2021**

- Mohnish Gautam S/o Late Brijmohan Gautma Aged About 23 Years Resident Of Samta Nagar, Govindpur, Near Rice Mill, Govindpur North Bastar Kanker Chhattisgarh., District : Kanker, Chhattisgarh

... Petitioner(s)**versus**

1. State Of Chhattisgarh Through The Secretary / Upper Secretary Department Of School Education, Mahanadi Bhawan, Mantralaya , New Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector District Kanker Chhattisgarh., District : Kanker, Chhattisgarh
3. District Education Officer District Kanker Chhattisgarh., District : Kanker, Chhattisgarh
4. Block Education Officer Kanker Chhattisgarh., District : Kanker, Chhattisgarh
5. Government Middle School Village Bar Devari , Block Kanker , District Kanker Chhattisgarh., District : Kanker, Chhattisgarh

... Respondent(s)

For Petitioner	:	Mr. Chandradeep Prasad, Advocate
For State	:	Ms. Saumya Sharma, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey**Judgment On Board****20.3.2026**

- 1) Learned counsel for the petitioner submits that father of petitioner, namely, Brijmohan Gautam who was working on the post of Upper Division Teacher died in harness on 28.4.2010. He further submits that

petitioner was minor back then but he moved application for grant of compassionate appointment immediately after attaining majority on 4.9.2020 but same has been rejected by District Education Officer, North Bastar Kanker. He contends that no financial assistance is being provided by mother of petitioner and petitioner was staying along with his father whereas mother was residing separately. He further contends that no inquiry was conducted in this regard by respondents. He prays that a direction may be issued to respondent authorities to grant compassionate appointment to the petitioner.

- 2) On the other hand, learned State counsel submits that as per Clause 6A of the policy dated 29.08.2016 issued by the General Administration Department, Government of Chhattisgarh, if any family member of the deceased government servant is already employed in government service, no other family member is eligible for compassionate appointment. He has relied on the judgment passed in ***Writ Appeal No. 33 of 2022, State of Chhattisgarh v. Muniya Bai***, wherein the Hon'ble Division Bench has categorically held that the policy does not envisage any inquiry into the financial condition of other family members, and eligibility is to be strictly decided as per the terms of the policy.
- 3) I have heard learned counsel for the parties and perused the documents placed in the file.
- 4) Perusal of application moved by the petitioner would show that mother of petitioner is a government employee and Hon'ble Division Bench in the matter of **Muniya Bai** (supra), while interpreting Clause 6A of the policy governing compassionate appointments, has clearly held that if

any member of the family of a deceased government servant is already in government service, no other member of the family is eligible for a compassionate appointment. Further 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."

- 5) Admittedly, the petitioner's mother is already in government service, which is not disputed by the petitioner. Clause 6A in the compassionate appointment policy was inserted vide circular dated 29.08.2016. The petitioner has not challenged the validity of the said circular in the present petition.
- 6) It is a well-settled principle of law that applications for compassionate appointment are to be considered strictly in accordance with the prevailing policy. The Courts cannot direct appointments contrary to the policy in force.
- 7) Taking into consideration the above-stated facts, I do not find any ground to entertain this writ petition. Consequently, the writ petition is devoid of merit and is hereby **dismissed**. No order as to costs.

Sd/-
(Rakesh Mohan Pandey)
JUDGE