



2026:CGHC:21609



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1147 of 2022

- Jitu Porte S/o Late Shri Ganesh Ram Porte, Aged About 30 Years
R/o Vill- Parsahinala, Post-Podi Dalha, P.S. Akaltara, Dist- Janjgir-
Champa(C.G.)

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

1. State Of Chhattisgarh Through - Secretary Panchayat And Rural
Welfare Department, Mahanadi Bhawan, New Raipur, Tah. And
Dist. Raipur (C.G.)
2. State Of Chhattisgarh Through - Secretary School Education
Department, Mahanadi Bhawan, New Raipur, Tah. And Dist.
Raipur (C.G.)
3. State Of Chhattisgarh Through - Secretary School Education
Department, New Raipur, Raipur (C.G.)
4. Director/directorate, Public Education (Lok Shikshan
Sanchalnalay) Naya Raipur, Dist- Raipur (C.G.)
5. Joint Director, Education Division Bilaspur, Dist-Bilaspur (C.G.)
6. Collector, Janjgir, Dist- Janjgir-Champa (C.G.)
7. District Education Officer Janjgir, Dist- Janjgir-Champa (C.G.)
8. Principal/head Master, Government Higher Secondary School,
Devri(Baloda), Dist- Janjgir-Champa (C.G.)

... **Respondent(s)**

For Petitioner	:	Mr. Ravindra Sharma, Advocate
For State	:	Mr. Abhyuday Tripathi, P.L.

**Hon'ble Shri Justice Rakesh Mohan Pandey****Order on Board****8.5.2026**

1. The petitioner has challenged the order dated 24.12.2021 (Annexure P/1) issued by District Education Officer, Janjgir Champa, whereby the services of the petitioner were terminated from the post of Assistant Grade-03.
2. Learned counsel for the petitioner would submit that the father of the petitioner who was posted as Head Master at Government Primary School Kapan, District Janjgir Champa died in harness on 1.5.2021. He would further submit that the petitioner moved an application for compassionate appointment before the respondent authorities, which was accepted and an appointment order was issued in favour of the petitioner on 31.5.2021. Pursuant to the said order, the petitioner joined services. He would also submit that a false complaint was made to the respondent authorities and consequently the services of the petitioner were terminated vide order dated 24.12.2021 on the ground that his mother is in Government service and this fact was concealed by the petitioner in the application for grant of compassionate appointment as well as in the affidavit. He would contend that the mother of the petitioner was staying separately prior to the death of his father and she never provided financial assistance to the petitioner. He would argue that before termination of services, no opportunity of



hearing was afforded to the petitioner; therefore, the order dated 24.12.2021 is bad in law and liable to be quashed.

3. On the other hand, learned State counsel would oppose the submission made by counsel for the petitioner and submit that Clause 6(A) of the policy for compassionate appointment, was inserted on 29.08.2016, which provides that if any family member of the deceased Government servant is already in Government service, no other family member is eligible for compassionate appointment. He would contend that while considering an application for compassionate appointment, the authority does not envisage any inquiry into the financial condition of the family members of the deceased Government servant and eligibility has to be decided strictly as per the policy. He would contend submit that as per Clause 2 of the order of appointment, if any information in the application or affidavit is found to be false, the appointment order shall be cancelled. He would argue that the petitioner concealed the fact of employment of his mother in the application form as well as in the affidavit; therefore, the services of the petitioner were terminated and there is no infirmity in the order impugned. He would further argue that to ascertain the financial condition of the family, no inquiry is required. He has placed reliance on a decision rendered in the matter of **State of Sagar vs. Munna Bhai** passed in *Writ Appeal No. 33 of 2022*, by the Hon'ble Division Bench, wherein it has been held that the policy does not envisage any inquiry into the financial condition of



the family of the deceased Government servant and, therefore, there was no need to conduct any inquiry.

4. I have heard learned counsel for the parties and perused the documents placed on file.
5. In the matter of ***Ram Ratan Yadav [Kendriya Vidyalaya Sangathan v. Ram Ratan Yadav, (2003) 3 SCC 437 : 2003 SCC (Cri) 306 : 2003 SCC (L&S) 306]***, the Hon'ble Supreme Court has held that suppression of material information and making a false statement has a clear bearing on the character and antecedents of the employee in relation to his continuance in service. A candidate having suppressed the material information and/or giving false information cannot claim right to continuance in service. Thus, on the ground of suppression of material information and the facts and as the respondent-original writ petitioner even otherwise was not eligible as per the eligibility criteria/educational qualification mentioned in the advertisement which was as per Circular Letter No. 25 of 2008 dated 6-11-2008, the Bank rightly cancelled his candidature and rightly did not permit him to resume his duty."
6. In the matter of ***Union of India & Ors. v. M. Bhaskaran (1995) Supp 4 SCC 100***, the Hon'ble Supreme Court has held that if some persons have procured employment in Railway on the basis of bogus and forged casual labourer service cards, they were rightly held guilty of misrepresentation and fraud. Mere long



continuance of such employment could not create any equity in their favour or estoppel against the employer. The question was left open whether after obtaining employment on the basis of bogus and forged casual labourer service cards was covered under Rule 31(1)(i) and (iii) of the Railway Services (Conduct) Rules, 1966. It was held that the employment procured by fraud is voidable at the option of the employer and employee cannot plead estoppel...”

7. In the present case, the petitioner was not eligible for compassionate appointment in view of Clause 6(A) of the policy dated 29.08.2016, as his mother was already in Government service. However, he concealed the said fact to procure appointment. Consequently, a complaint was made and upon inquiry it was found that the mother of the petitioner is already in Government service and the petitioner was not suitable or entitled for grant of compassionate appointment; therefore, the services of the petitioner were terminated.
8. With regard to the opportunity of hearing, as the petitioner suppressed material facts in the application form and affidavit to procure compassionate appointment, in the opinion of this Court, there was no necessity to afford any opportunity of hearing to the petitioner. The appointment itself was contrary to the policy of compassionate appointment, therefore, the authorities have rightly terminated the services of the petitioner.



9. In view of the aforesaid discussion, in my opinion, there is no infirmity in the order impugned. Accordingly, this petition stands **dismissed**. No order as to cost(s).

Sd/-

Rakesh Mohan Pandey
JUDGE

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