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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2194 of 2021

Vedant Singh Chouhan S/o Lakhan Singh Chouhan, Aged About 42 Years
R/o Village Jevra, Post Tipni, Tahsil Than Khamhariya, District Bemetara
(Chhattisgarh), District : Bemetara, Chhattisgarh

... **Petitioner**

versus

- 1 - State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
- 2 - Collector, Bemetara, District Bemetara Chhattisgarh.
- 3 - Chief Executive Officer, District Panchayat, Bemetara, District Bemetara Chhattisgarh.
- 4 - Chief Executive Officer, Janpad Panchayat Saja, District Bemetara Chhattisgarh.

... **Respondents**

For Petitioner	:	Mr. Praveen Dhurandhar, Advocate
For Res. Nos. 1 &	:	Mr. Rishabhchandra Deo Singh, Panel Lawyer
2/State		
For Res. Nos 3 & 4	:	Mr. Animesh Verma, Advocate

Hon'ble Shri Justice Sachin Singh Rajput

Order On Board

28/02/2026

1. The following relief has been claimed in this writ petition:-

10.1 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to take time bond decision over the claim of compassionate appointment made by the petitioner.

10.2 That, this Hon'ble Court may kindly be pleased to set-aside the impugned order dated 13-11.2020 and 23-02-2019(Annexure P-1) being illegal.

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to consider afresh the claim of petitioner for compassionate appointment on any suitable post, if the petitioner is not found eligible for the post of Assistant Teacher Panchayat.

10.4 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to appoint the petitioner on compassionate ground in any suitable post.

10.5 That, the Hon'ble Court may kindly be pleased to grant any other relief, as it may deem-fit and appropriate."

2. Learned counsel for the petitioner submits that the brother of the petitioner namely -Late Narendra Singh Chouhan, who was working as a Assistant Teacher (Panchayat) with respondent Nos. 4 died in harness on 11.04.2017. The petitioner being a legal representative of his brother, made an application for grant of compassionate appointment to the respondent No. 3 & 4. By the impugned order, the same has been rejected holding that the petitioner was not qualified as he is not having the minimum qualification for consideration of his case for appointment on the post of Assistant Teacher

(Panchayat).

3. Learned counsel for the petitioner further submitted that the petitioner moved application for the grant of compassionate appointment according to policy contemplated in the C.G. Teacher (Panchayat) Cadre (Recruitment and Conditions of Service) Rules, 2012 (hereinafter referred to as "Rules, 2012"). He also submitted that the claim of the petitioner has not been considered strictly in accordance with the provisions of the Rules, 2012. He further contended that the petitioner is ready to join services against Class IV posts. In the rules also there is no provision that the dependent of the deceased Shiksha Karmis would be granted appointment only on the post of Shiksha Karmi Grade III; therefore, the decision taken by the State authorities that the petitioner do not have the requisite qualification for appointment to the post of Shiksha Karmi Grade III is erroneous and contrary to the rules. He also contended that the service of the petitioner were not absorbed in the School Education Department and this is one of the reasons for the non-consideration of their names. It is further stated that a committee was constituted by the State Government vide Order dated 13.09.2021 to resolve the dispute with regard to the compassionate appointment of Shiksha Karmis, who died prior to the date of absorption. It is argued that no decision has been taken by the committee till date. He further stated that a direction may be issued to the respondent authorities to consider the claim of the petitioner. He submits that similar issue has arisen in WPS No. 2383 of 2024 & connected matters. The coordinate Bench vide its order dated 26.11.2024 directed to resolve the dispute by a Committee constituted by General Administration Department on 13.09.2021.

4. On the other hand, learned counsels appearing for the respondents would oppose. They submitted that the claims of some of the petitioner has

already been rejected by the respondents, but those order has not been challenged. They further submitted that the deceased employee died prior to the date of absorption of his service and a circular was issued by the State Government to the effect that the Shiksha Karmis who died prior to the date of absorption, their dependents would get employment on the post of Shiksha Karmi Grade III; particularly, the dependents, who have passed B.Ed./D.Ed and TET. They also submitted that the petitioner does not have the requisite qualifications; therefore, his claim has not been considered. It is contended that the petitioner was granted the opportunity to acquire the required qualification, but he failed; therefore, his claim was rejected. It is further contended that there is no provision to provide employment on any other post. It is stated that according to Rule 7 of the Rules, 2012, the dependents may be provided compassionate appointment on the post of Teacher (Panchayat) only, as the sanctioned cadre was Shiksha Karmi Grade I, II, & III only. They contended that as the minimum required qualification for a Teacher is 12th, D.Ed., TET or Graduation, B.Ed and TET; therefore, the dependent cannot be appointed against any other post and no such posts are available with the department. They further argued that this petition deserve to be dismissed.

5. Heard learned counsel for the parties and perused the documents placed on the record.

6. The brother of the petitioner was appointed to the posts of Assistant Teacher (Panchayat). He died prior to the date of absorption while he was working on the post of Assistant Teacher (Panchayat), his dependent moved application for compassionate appointment. The claim of the petitioner has not been considered on the grounds that he has not the requisite qualifications.

7. The services of all Teachers (Panchayat) were absorbed with the School Education Department pursuant to a notification issued on 30.06.2018 and at present posts of Shiksha Karmis are not available in the department. The petitioner has not acquired the required qualification for the post of Shiksha Karmi Grade I, II, and III; therefore, he has not been provided compassionate appointment, but the fact remains that the posts of Shiksha Karmis are not available with the department; therefore, no such appointment can be provided to the petitioner, even he has the requisite qualification.

8. Looking at the facts discussed above, a decision was taken by the State Government and a committee was constituted by the General Administration Department on 13.09.2021 to resolve the dispute. It appears that till date no decision has been taken; therefore, at this juncture, this petition is disposed of with a direction to the committee constituted on 13.09.2021, to resolve the dispute involved in this petition within a period of 60 days from the date of receipt of a copy of this order.

9. The respondent authorities may take appropriate decisions with regard to the appointment of the petitioner in Class IV posts.

10. With the aforesaid observation(s), and direction(s), this petition is hereby **disposed of.**

Sd/-
(Sachin Singh Rajput)
Judge

Ami