



2026:CGHC:4163



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4366 of 2023

Prabha Markam W/o Shri Dasrath Meravi, Aged About 39 Years R/o Village Girdhari Nagar, Durg, Tahsil And District Durg Chhattisgarh.

... **Petitioner.**

versus

1 - State Of Chhattisgarh Through The Secretary, Panchayat And Gramin Vikas Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District : Raipur, Chhattisgarh.

2 - Chief Executive Officer, Zilla Panchayat Kabirdham Chhattisgarh.

... **Respondents.**

For Petitioner	:	Shri Udho Ram Koshaley, Advocate.
For State/ Respondent	:	Ms. Vartika Shrivastava, PL.
For Respondent No.2	:	Mr. Mohd Nageeb appears on behalf of Shri Shaleen Singh Baghel, Advocates.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

23/01/2026

1. By way of this Writ Petition, petitioner has prayed for the following reliefs:

9.4 That, this Hon'ble Court may kindly be pleased to quash Annexure P-1 and to consider case of compassionate appointment of petitioner, who is married sister of Late Shri Sourabh Kumar Thakur who is maintaining old father and mother of late 'Shri Sourabh Kumar Thakur as there is no one to look after them.

(i) Any other relief which may be suitable in the facts and



circumstances of the case, may also be granted.

2. Necessary facts of the case are that unmarried brother of the petitioner late Shri Sourabh Kumar Thakur, Lecturer, Panchayat Govt. Higher Secondary School, Birendra Nagar Block, Sahaspur Lohara, District Kabirdham C.G. who died while in service on 25.08.2013. The deceased left behind father, mother and sister who were dependent upon him. Petitioner is married sister of deceased and is looking after old father and mother of the deceased. However, Respondent No.2 without considering the circumstances of the petitioner passed the impugned order dated 22.03.2022 (Annexure P/1) whereby, petitioner was found not eligible for grant of compassionate appointment.
3. Counsel for the petitioner submits that petitioner is married sister of deceased employee namely Saurabh Kumar Thakur who was unmarried and there is no one else in the family to look after old mother and father of the deceased. Counsel for the petitioner further submits that though the petitioner is married, she was dependent upon her brother who was taking care of her, as the petitioner is very poor person.
4. Learned State counsel submits that petitioner's application for grant of compassionate appointment has been rejected only on two grounds that petitioner is married sister of deceased and further, she is not eligible for appointment to the post of Assistant Teacher (Panchayat).
5. Counsel for Respondent No.2 also submits that petitioner could not be given compassionate appointment only for two grounds that petitioner is married and she is not qualified for the post of Assistant Teacher (Panchayat).



6. I have heard learned counsel for the parties and perused the record available with the petition.
7. From perusal of record, it appears that denial of compassionate appointment is on two grounds that petitioner is married and she is not qualified for the post of Assistant Teacher (Panchayat).
8. So far as the ground of being married sister is concerned, it has already been settled by the Hon'ble Supreme Court that married sister are also having right and subsequently, it has also been added in the circular. As such, this ground for denial is unsustainable in the eyes of law.
9. The Hon'ble Supreme Court in the matter of **Vijaya Ukarda Athor (Athawale) vs. State of Maharashtra and Others {(2015) 3 SCC 399}** held in paragraphs 11 & 12 as under:-

“11. The fact that the appellant is the daughter through the first wife-Shantabai Athor and respondent No.3 is the son through the second wife-Kuntabai Athor of Late Ukarda Athor is not in dispute. Ukarda Athor died on 18.06.1997. According to the appellant, her mother submitted an application dated 29.12.1997 stating that her daughter Vijaya Athor, the appellant who is aged seventeen years and then a minor studying in 10th standard, should be given compassionate appointment when she attains majority. According to the appellant after she attained majority she has submitted another application on 19.03.1998, seeking compassionate appointment; but for quite sometime, the same was not considered by the authorities. The appellant was



married in the year 2009.

12. The contention of the appellant is that her application for compassionate appointment was kept pending by the authorities without any justifiable reason. But according to the respondent No.2-Corporation, giving employment in government service on compassionate ground was then governed by "Government Resolution, General Administration Department, No. Comp.1093/2335/M.No.90/93/Eight, dated 26 October, 1994". As per the said Resolution only the unmarried daughter of the deceased would be eligible for the appointment as per Rules. Reliance is placed on clause (3)(a) of Government Resolution which reads as under:

"(3) (a). Husband/wife, son or unmarried daughter of the deceased/prematurely retired government employee OR son/unmarried daughter lawfully adopted, before death/premature retirement, shall be deemed to be the relatives eligible to be appointed as per rules. Except them, no other relative shall get the benefit under this scheme.

"The State Government has taken a Policy Decision on 26.02.2013 and held that the married daughters are also entitled for compassionate appointment subject to certain conditions."

10. The Telangana High Court in the matter of **Badugu Suguna vs. The State of Telangana {Writ Petition No.24034 of 2023}**, held in



paragraph 4 as under:-

“4. Learned counsel for the petitioners submitted that in similar circumstances, this Court in W.P.No.19770 of 2023, held that when there is no other eligible dependent of the deceased employee, who himself has been appointed on the compassionate grounds, the married sister also can be considered for compassionate appointment. Learned counsel has also relied upon the judgment of Jharkhand High Court in Madhubala Sinha v. Central Coal Fields Limited in L.P.A.No.617 of 2017 dated 16.09.2019, wherein it was held that married sister of an unmarried employee can also be considered for compassionate appointment. It is also further submitted that the said issue was carried in an appeal before the Hon'ble Apex Court by filing Special Leave Petition, in Civil Appeal No.29678 of 2019 however the said Special Leave Petition was dismissed vide orders dated 12.11.2021. Therefore, taking into consideration the judgment of Jharkhand High Court (cited supra), learned counsel prayed this Court to grant similar relief as granted in W.P.No.19770 of 2023 to the petitioners herein.”

11. This Court also in the matter of **Harbansh Bai vs. State of Chhattisgarh Through the Secretary and Others** in WPS No.465 of **2016** passed the order on 19th July, 2021 and held in paragraph 4, which reads thus:-



“4. This Court in the matter of Sarojni Bhoi (supra) has clearly held that the application for compassionate appointment cannot be rejected on the ground that the person claiming compassionate appointment is a married daughter and the married daughter is also entitled for compassionate appointment. Accordingly, the impugned orders (Annexure-P/1 & P/2) are set aside and the matter is remitted to the Competent Authority to consider and decide the petitioner's application for compassionate appointment in accordance with law, strictly on its own merits within a period of 45 days from the date of receipt of copy of this order.”

12. Regarding the second ground of denial that the petitioner is not qualified for the appointment on the post of Assistant Teacher (Panchayat), if the petitioner is not qualified for the said post then she may be considered for the post of other class III post or any other Class-4 post.
13. Accordingly, respondent authorities are directed to reconsider the case of the petitioner for grant of compassionate appointment even for the post of Class-4 employee, in accordance with law, which shall be done within 60 days from the date of submission of copies of this order along with representation and other documents.
14. With the aforesaid observation/direction, this Writ Petition is disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge