



2026:CGHC:15253

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4996 of 2019

1 - Ankit Singh Paikara S/o Late Pandey Singh Paikara Aged About 20 Years R/o Village / Post Pathiyapali, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary Department Of Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - The Directorate Of Public Instruction Indrawati Bhawan, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

3 - The District Education Officer District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

4 - The Block Education Officer Block Bilha District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

... Respondent(s)

For Petitioner(s) : Mr. Aman Upadhyay, Advocate

For Respondent(s)/ State : Mr. Sharad Mishra, Panel Lawyer

SB - Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02.04.2026**

1. This writ petition under Article 226 of the Constitution of India is directed against the impugned order dated 18/09/2017 (Annexure A/1) by which the application moved by the petitioner seeking compassionate appointment has been rejected by respondent No. 3.
2. Learned counsel for the petitioner would submit that in light of the decision rendered by the Supreme Court in the matter of **N.C. Santosh v. State of Karnataka and Others**¹, petitioner's case ought to have been considered by respondent No. 3 as per the norms prevailing on the date of filing of the application and not on the date of death of the Government servant, as such, the impugned order is liable to be set aside.
3. Learned State counsel would support the impugned order and submit that the instant writ petition is liable to be dismissed.
4. I have heard learned counsel for the parties and perused the record.
5. In the matter of **N.C. Santosh** (supra), it has clearly been held by the Supreme Court that the norms prevailing on the date of the

1 (2020) 7 SCC 617

application would be made basis for consideration of a claim for compassionate appointment.

6. In the instant case, while considering the claim of the petitioner for compassionate appointment, policy prevailing on the date of death of the Government servant (petitioner's father) has been taken into account and accordingly, petitioner's application for compassionate appointment has been rejected by respondent No. 3, which is absolutely unsustainable and bad in law in view of the principle of law laid down by their Lordships of the Supreme Court in the matter of **N.C. Santosh** (supra). Accordingly, the impugned order (Annexure A/1) is hereby set aside and matter is remitted to respondent No. 3 to consider petitioner's application for compassionate appointment afresh in terms of the norms prevailing on the date of the application i.e. 12/09/2017 and decide it within four weeks by passing a reasoned and speaking order in accordance with law.

7. Accordingly, this writ petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge