



2026:CGHC:18449

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4749 of 2022

1 - Smt. Laxmi Singh W/o Late Brij Kumar Aged About 35 Years Resident Of Namna (Bakiyapara), Block Udaypur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

... Petitioner(s)

versus

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

2 - The Secretary Government Of Chhattisgarh, Panchayat And Rural Development Department , Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3 - The District Education Officer District Surajpur Chhattisgarh.

4 - The Chief Executive Officer Zila Panchayat , District Surajpur Chhattisgarh.

5 - The Chief Executive Officer Janpad Panchayat , Premnagar, District Surajpur Chhattisgarh.

6 - The Block Education Officer Premnagar, District Surajpur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Mr. R.V. Ram Rajwade, Advocate
For State	:	Mr. Anmol Sharma, P.L.
For Respondent No. 5	:	Mr. Ravi Bhagat, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

22.4.2026

1) The petitioner has filed this petition seeking the following reliefs:-

“10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records of present case, from the respondents.

10.2. That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, thereby setting-aside the impugned order/communication dated 08.07.2021 (Annexure P/1) and further be pleased to direct the respondent authorities to reconsider the case of petitioner for grant of compassionate appointment against suitable post, in accordance with law.

10.3 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”

2) Facts of present case are that husband of the petitioner namely

Brij Kumar, who was working on the post of Assistant Teacher (Panchayat) died in harness on 19.2.2018. Petitioner moved application for grant of compassionate appointment on 18.4.2018 and same was rejected by CEO, Zila Panchayat Surajpur vide order dated 8.7.2021 stating that in absence of requisite qualifications, petitioner cannot be appointed as Assistant Teacher (Panchayat) on compassionate basis.

3) Learned counsel for the petitioner submits that a circular was

issued by the respondent department for grant of compassionate appointment on 7.2.2014 and according to it, the dependent of a deceased Teacher (Panchayat) may be appointed against

sanctioned and vacant post of Assistant Teacher (Panchayat), if such dependent fulfills the eligibility criteria. He further submits that subsequently, a circular was issued on 8.1.2016 wherein it was held that in absence of requisite qualification for the post of Assistant Teacher (Panchayat), the dependent may be appointed against the sanctioned and vacant post of Secretary Gram Panchayat. He contends that circular dated 8.1.2016 was withdrawn vide order dated 28.6.2017 and at present there is no policy for grant of compassionate appointment for the dependents of deceased Teacher (Panchayat). He further contends that respondent authorities ought to have consider the name of petitioner for appointment on any sanctioned and vacant Class-IV post on compassionate basis. He prays to set aside the order impugned.

4) On the other hand learned counsel appearing for the respondents would oppose. They submit that petitioner was lacking the requisite qualification required for appointment to the post of Assistant Teacher (Panchayat), therefore her application was rejected. They further submit that there is no provision to offer appointment to a dependent of deceased Teacher (Panchayat) against Class-IV post, therefore this petition deserves to be dismissed.

5) I have heard learned counsel for the parties and perused the documents placed on record.

6) Admittedly, the claim of petitioner has been rejected on the ground that on the date of consideration, petitioner was not possessing the requisite qualification for the post of Assistant Teacher (Panchayat). Subsequently, the policy changed and dependents were offered appointment on the post of Secretary Gram Panchayat. However, said circular was withdrawn by the State Government vide order dated 28.6.2017.

7) Present is a case where petitioner has been declined compassionate appointment on the ground that on the date of consideration, she was lacking the requisite qualification for appointment to the post of Assistant Teacher (Panchayat). In my opinion, such reasoning appears to be unreasonable and arbitrary. In view of the aforesaid discussion, the order dated 8.7.2021 is hereby quashed and this petition stands **allowed**.

8) Respondent authorities are directed to consider the case of the petitioner for grant of compassionate appointment against sanctioned and vacant Class-IV post. It is expected that respondent authorities shall complete the entire exercise within period of four months from the date of receipt of copy of this order.

Sd/-

(Rakesh Mohan Pandey)
JUDGE