



2026:CGHC:4262

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 5225 of 2023**

Smt. Anita Lakda W/o Late Shivprasad Lakda Aged About 39 Years R/o Village Parsodi Khurd, Post Bhithikala, District Surguja (C.G.).

... Petitioner.**versus**

1 - State of Chhattisgarh Through The Secretary, Department Of Higher Education, Mantralaye Raipur, District : Raipur, Chhattisgarh.

2 - State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaye, Raipur, District Raipur (C.G.).

3 - Chief Executive Officer Janpat Panchayat, Ambikapur District Surguja (C.G.).

4 - Chief Executive Officer Zila Panchayat, Ambikapur District Surguja (C.G.).

5 - Block Education Officer Ambikapur District Surguja (C.G.).

... Respondents.

For Petitioner	:	Shri Shakti Raj Sinha, Advocate.
For State/Respondent	:	Shri Arpit Agrawal, PL.
For Respondent No.3 & 4	:	Ms. Seema Verma appears on behalf of Shri Jitendra Shrivastava, Advocates.

Hon'ble Mr. Justice Amitendra Kishore Prasad**Order on Board****23/01/2026**

1. By way of this Writ Petition, petitioner is praying for the following reliefs-



(i) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to pass an order pertaining to grant of compassionate appointment to the petitioner.

(ii) That this Hon'ble court may kindly be pleased to grant any other relief which this Hon'ble Court may deem fit with regard to this case.

2. Necessary facts of the case are that husband of the petitioner died in harness on 09.10.2012 who was working as Shiksha Karmi Grade-3 under the office of Respondent No.4 and is resident of Gram Parsodikhurd, Ambikapur, District Surguja C.G. After death of husband, petitioner filed an application for grant of compassionate appointment on the post of Assistant Teacher (Panchayat) however, at that time, petitioner was only 8th pass, therefore, she was granted 3 years time to become qualified for the said post. Thereafter, when the petitioner obtained requisite qualification i.e. higher secondary pass among others, she filed an application (Annexure P/3) for grant of compassionate appointment to the post of Assistant Teacher (Panchayat). Subsequently, respondent- Chief Executive Officer, Zila Panchayat, Ambikapur, District Surguja C.G. issued communication dated 8.02.2016 (Annexure P/4) to the petitioner stating that the post of Assistant Teacher (Panchayat) cannot be given to the petitioner as she is not holding requisite qualification, however, petitioner may be given post of Panchayat Secretary and her consent was sought for the same. The petitioner agreed for the said proposal and filed application for grant of compassionate appointment to the post of Panchayat Secretary.

3. Learned counsel for the petitioner submits that when the petitioner vide



letter dated 23.02.2016 (Annexure P/5) gave her consent for appointment on the post of Panchayat Secretary, thereafter, vide letter dated 16.3.2016 (Annexure P/6), petitioner was informed that to get appointment on the post of Panchayat Secretary, minimum educational qualification is Higher Secondary and since petitioner possess 8th pass qualification, she was granted 3 years time to obtain educational qualification and submit the same before the Department for further action. Thereafter, vide letter dated 11.04.2016 (Annexure P/7), petitioner submitted Higher Secondary marksheet for grant of compassionate appointment on the post of Panchayat Secretary.

4. Learned counsel for the petitioner further submits that ultimately vide order dated 30.09.2016 (Annexure P/8), it has been informed to the petitioner that the post of Panchayat Secretary has been directed to be filled up through direct recruitment and as such, petitioner cannot be granted compassionate appointment on the said post. Further, petitioner was directed to obtain educational qualifications so that she may be given compassionate appointment.
5. Learned counsel for the petitioner lastly submits that the petitioner is ready to get compassionate appointment on any post of Class-4 employee on account of death of her husband who died in harness and therefore, the concerned Department may be directed to consider the application of petitioner for grant of compassionate appointment on the Class-4 post as the petitioner is facing great hardship who being a young widow aged about 39 years has to maintain herself and her two minor children which is very difficult for her to do.
6. Learned counsel for Respondent Nos.3 and 4 submits that since the petitioner is not holding requisite qualification for post of Assistant



Teacher (Panchayat) and further, the post of Panchayat Secretary has been declared to be filled up through direct recruitment, petitioner could not be granted compassionate appointment, however, if the petitioner fulfills the requisite criteria for getting compassionate appointment on the post of Assistant Teacher (Panchayat) then she will be given compassionate appointment on the said post.

7. I have heard learned counsel for the parties and perused the material available with the petition.
8. From the perusal of record, it appears that husband of the petitioner died in harness on 09.10.2012 and she has filed application for grant of compassionate appointment well within time which was forwarded vide order dated 05.3.2013. Subsequently, she filed another application on 10.09.2015 stating that she may be granted compassionate appointment on the post of Assistant Teacher (Panchayat). However, since the petitioner was not holding requisite qualification, she was informed vide order dated 9.2.2016 that she could not be given compassionate appointment on the post of Assistant Teacher (Panchayat), however, she can be given compassionate appointment on the post of Panchayat Secretary for which, her consent was sought. As such, she was directed to give her consent and the petitioner accordingly gave her consent on 23.3.2016 for the post of Panchayat Secretary. However, subsequently vide order dated 30.09.2016 (Annexure -P/8), it has been informed to the petitioner that she cannot be given compassionate appointment on the post of Assistant Teacher (Panchayat) as she is not having requisite qualification or Panchayat Secretary as the Department has taken a decision that for the post of Panchayat Secretary, candidates can only be recruited through direct



recruitment. The petitioner was directed to obtain requisite qualification for compassionate appointment on the post of Assistant Teacher (Panchayat) and thereafter, her case will be considered.

9. As per the submission of counsel for the petitioner that the petitioner is ready to get compassionate appointment on any post of Class-4 employee on account of death of her husband who died in harness which is not opposed by learned counsel for Respondent Nos.3 and 4 on submission that if the petitioner is ready to get compassionate appointment on the post of Class-4 employee then the Department is perhaps not having any objection and further considering the circumstances facing the petitioner, this Court finds it appropriate to direct the respondent authorities to consider the case of petitioner for grant of compassionate appointment on the post of Class-4 employee.
10. Accordingly, the respondent authorities are directed to consider the case of the petitioner for grant of compassionate appointment on the post of Class-4 employee. Looking to the age and status of the petitioner it be done within a period of 60 days, as the petitioner is facing hardship since long back.
11. With the aforesaid observation/direction, the Writ Petition is disposed of.

Sd/-
(Amitendra Kishore Prasad)
Judge

Avinash