



2026:CGHC:10503



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4968 of 2024

Hari Kumar Dubey S/o Madan Gopal Dubey Aged About 42 Years R/o House No. 242/22, Vinoba Nagar, Boirdadar, Ward No. 27, Raigarh, Tahsil And District Raigarh (C.G.)

... Petitioner(s)

Versus

- 1 - State Of Chhattisgarh Through Chief Secretary, Department Of School Education, Mantralaya, Naya Raipur, District Raipur (C.G.)
- 2 - Director Public Education, Directorate Of Public Instructions, Raipur (C.G.)
- 3 - District Education Officer District - Raigarh (C.G.)
- 4 - Chief Executive Officer Janpad Panchayat, Raigarh, Tahsil And District Raigarh (C.G.)
- 5 - Block Education Development Officer Raigarh, Tahsil And District Raigarh (C.G.)

... Respondent(s)

For Petitioners	:	Mr. Ujjwal Kumar Gouraha, Advocate on
		behalf of Mr. Hari Agrawal, Advocate
For Respondents	:	Mr. Khulesh Sahu, P.L.

(HON'BLE SHRI JUSTICE PARTH PRATEEM SAHU)

Order on Board

28/02/2026

1. Petitioner has filed this writ petition seeking following reliefs:



“a A writ and/or an order in the nature of appropriate writ directing the Respondent authorities to act appropriately and decide upon the representation dated 03.09.2023 & 04.09.2023 (Annexure P-6 & P-7) in accordance with law and to proceed thereupon and decide the matter, within a time bound manner, as directed by this Hon'ble Court.

b. Any other relief which this Hon'ble Court may deem fit in the facts & circumstances of case..”

2. Learned counsel for the petitioner submits that the petitioner is husband of an employee (Assistant Teacher). He filed this writ petition seeking a prayer that the representation submitted by him on behalf of his wife for treating, absence of the petitioner to be on medical leave and to provide salary. It is contention of the petitioner that the wife of petitioner, appointed as Assistant Teacher, suffered paralytic attack and due to which after treatment for some time, she was declared brain dead and she is now bed ridden for last about 10 years. Petitioner is only person who is taking care of. Petitioner submitted several oral request to the authorities and thereafter the representation on 03.09.2023 for sanction of leave and payment of the salary of the petitioner for her survival, which till date is pending consideration. State Government had issued circular to pay the teacher/government servant who after their employment suffered 70% or more disability to pay salary. It is also contention of counsel for the petitioner that petitioner being husband has also submitted application for granting compassionate appointment in the facts of the case, where wife of the petitioner had been declared brain dead, which is also pending consideration, therefore, direction be issued to the respondent No. 3 to consider and take decision on the representations submitted by the petitioner at the earliest, within specified time frame.
3. Counsel for the State submits that in view of the limited prayer made by



learned counsel for the petitioner he is having no objection.

4. I have heard learned counsel for the parties.
5. Claim of the petitioner is that due to paralytic attack suffered by his wife (Government Teacher), doctor declared her brain dead. Doctor issued disability certificate of Locomotor Disability (85%) and mental retardation (brain) 85%. It was argued that under circular issued by the State Government, it is provided that in such cases, salary is to be paid to the Government Servant till the age of superannuation or death, whichever is earlier and further considering that the petitioner has already submitted representation in this regard and further representation to provide compassionate appointment, at this stage, this writ petition is disposed of directing respondent No. 3 to take decision on the representation submitted by the petitioner, in accordance with law, keeping in mind, the circular issued by the State Government, at the earliest, within specified period of two months from the date of receipt of the order.

Sd/-

(Parth Prateem Sahu)
JUDGE