



2026:CGHC:14786



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6003 of 2021

- Smt. Yanita Sahu D/o Late Shri Heera Singh Sanhara Aged About 33 Years
R/o Village Karhibadar, Tahsil And District Balod (Chhattisgarh)
... Petitioner

versus

1. State Of Chhattisgarh Through Secretary, School Education, Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur (Chhattisgarh)
2. District Education Officer, Dhamtari, District Dhamtari (Chhattisgarh)
3. Block Education Officer, Dhamtari, District - Dhamtari (Chhattisgarh)
... Respondent(s)

For Petitioner	: Mr. Alok Dewangan, Advocate
For State	: Mr. Abhishek Singh, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

30.03.2026

1. By way of this petition, the petitioner has sought the following relief(s):-

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

10.2 That, this Hon'ble Court may kindly be pleased to allow the petition and 'set-aside the order dated 07.06.2021 (Annexure P/3) and direct the District Education Officer Dhamtari to issue appointment order on compassionate ground in favour of the petitioner, in the interest of justice.

10.3 That any other relief, which this Hon'ble



Court may deem fit and proper together with cost of the petition.”

2. The facts in brief are that father of the petitioner, namely, Heera Singh Sanhara was Headmaster working in the Government Middle School, Sankra, Block Dhamtari, District Dhamtari, who died in harness on 07.07.2020. The petitioner moved an application for grant of compassionate appointment along with relevant documents and same has been rejected vide order dated 07.06.2021 by the District Education Officer, District Dhamtari on the ground that Nutan Sahu, sister of the petitioner, is already in Government service.
3. Learned counsel for the petitioner would submit that Nutan Sahu/sister of the petitioner is married one and she is staying in her matrimonial house and she does not support petitioner financially. He would contend that the petitioner is residing along with mother and no enquiry was conducted by the respondent authorities before passing the order Annexure P/3.
4. On the other hand, Mr. Abhishek Singh would submit that according to Clause 6A of the policy for compassionate appointment, if any family member of the deceased government servant is already in Government service, other dependents would not be entitled for compassionate appointment. The State counsel further relies on the judgment passed in ***Writ Appeal No. 33 of 2022, State of Chhattisgarh v. Muniya Bai***, wherein the Hon'ble Division Bench has categorically held that the policy does not envisage any inquiry into the financial condition of other family members, and eligibility is to be strictly decided as per the terms of the policy.
5. I have heard learned counsel for the parties and perused the documents placed on record.



6. Perusal of order dated 07.06.2021(Annexure P/3) would show that sister of the petitioner is a government employee and Hon'ble Division Bench in the matter of ***Muniya Bai*** (supra) while interpreting Clause 6A of the policy governing compassionate appointments, has clearly held that if any member of the family of a deceased government servant is already in government service, no other member of the family is eligible for a compassionate appointment. Further an inquiry into the financial condition of dependents is not envisaged in the policy. Therefore, no such direction can be issued. The relevant portion is reproduced herein below:-

"13. Clause 6A of the Scheme reads as follows: "6A. In the family of the deceased married government servant, if any other member of the family is already in government service, then the other member of the family will not be eligible for compassionate appointment. Explanation. Dependents of the family of deceased married and unmarried government servant shall include the following members: A) In case of married government servant - Dependent mother, dependent parents, widow/widower, son and daughter (including adopted son/daughter, widow/ divorced daughter) and daughter in law. B) In case of unmarried government servant (or widower having no son/daughter) mother, brother and sister."

15. A perusal of clause 5 of the Scheme would go to show that it does not envisage that on the death of a married government servant, the parents of the government servant would be entitled to compassionate appointment. It is the spouse of the deceased government employee who is given the first preference and then the son/adopted son, and so on and so forth in the sequence as laid down in clause 5. As only the dependent family members of the deceased government servant as indicated in clause 5 of the Scheme are eligible for compassionate appointment, in absence of definition of family in the Scheme, it will be reasonable to hold that the relations of the deceased government employee as



mentioned in clause 5 would constitute the family of the deceased government employee. If any of the family members as shown in clause 5 of the Scheme is already in government service, in terms of clause 6(A), the other members of the family as mentioned in clause 5 would not be eligible for compassionate appointment."

7. In view of the above legal position, the plea of the petitioner that sister of the petitioner does not support or maintain the family cannot be a ground to bypass the express condition under Clause 6A of the policy.
8. The Hon'ble Full Bench of this Court has passed judgment dated 21-6-2023 in the matter of ***State of Chhattisgarh & Ors. Vs. Umesh Thakur in Writ Appeal No. 236 of 2022***, and has observed in paragraph no. 15 which read as under:-

*"15. In our considered opinion, in view of the decisions rendered by two Division Benches of this Court in **Neeraj Kumar Uke** (supra), **Kevra Bai Markandey's** case (supra) and the reference answered by another Division Bench of this Court in **Purendra Kumar Sinha** (supra) answering the issue involved in this reference and in light of the principles of law laid down by the Supreme Court in **Parkash Chand's** case (supra) and **Nitin's** case (supra), compassionate appointment has to be granted in accordance with the policy applicable and where the policy applicable for compassionate appointment clearly indicates that where one of the family members of the deceased Government servant is already in Government service then other members of the family of the deceased Government servant would not be entitled for compassionate appointment, then the writ court in exercise of its power and jurisdiction under Article 226 of the Constitution of India would not direct to hold for enquiry qua dependency/financial support by one of the family members of the deceased Government servant who is already in Government service to the other family members of the deceased Government servant when a claim is made by another member of the family for compassionate appointment, as it would amount to rewording / revising the terms of the applicable policy*



for compassionate appointment, which, in our considered opinion, is wholly impermissible in law. Accordingly, we hold and answer the stated question as under: -

When one of the family members of the deceased Government servant is already in Government service and the applicable policy bars and prohibits the consideration of other dependent of the deceased Government servant for appointment on compassionate ground, then this Court under Article 226 of the Constitution of India would not direct for holding enquiry qua dependency/financial support by one of the family members of the deceased Government servant who is already in Government service to the other family member of the deceased Government servant when a claim is made by other member of the family for compassionate appointment, as it would amount to rephrasing / rewording of the terms of the applicable scheme / policy for compassionate appointment, as such, such enquiry is totally barred.

9. It is a well-settled principle of law that applications for compassionate appointment are to be considered strictly in accordance with the prevailing policy. The Courts cannot direct appointments contrary to the policy in force.
10. Taking into consideration the above-stated facts, I do not find any ground to entertain this writ petition. Consequently, the writ petition is devoid of merit and is hereby **dismissed**. No order as to costs.

Sd/-
(Rakesh Mohan Pandey)
JUDGE