



2026:CGHC:33105



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6363 of 2019

1 - Ku. Unnati Shukla D/o Late Shri Akhilesh Shukla Aged About 23 Years R/o Q./n. Village Chhura, Post And Block Chhura, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Department, Of School Education Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh.

2 - State Of Chhattisgarh Through Secretary, Department Of Tribal Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh.

3 - Commissioner Raipur, Division Raipur, District Raipur Chhattisgarh.

4 - Collector Gariyabandh, District Gariyabandh Chhattisgarh.

5 - District Education Officer Gariyabandh, District Gariyabandh Chhattisgarh.

--- Respondent(s)

For Petitioner : Mr. Mahesh Kumar Mishra, Advocate

For Respondent/State : Mr. Pranjal Shukla, P.L.

Hon'ble Shri Sanjay K. Agrawal, Judge
Order on Board

31.07.2026

1. By way of the present writ petition, the petitioner has challenged the memorandum dated 06.08.2019 issued by Respondent No. 4, namely the Collector, Gariyaband, District Gariyaband (C.G.), whereby Re-



spondent No. 5, the District Education Officer, Gariyaband, was directed to cancel the appointment order dated 15.01.2016 issued in favour of the petitioner.

- 2.** Learned counsel for the petitioner submits that the petitioner's father died in harness on 13.07.2006, leaving behind the petitioner and her younger sister, both of whom were minors, while their mother had deserted the family even prior to the death of the deceased employee. In the absence of any major member in the family, the petitioner's maternal grandfather, being the guardian of the minors, submitted an application for compassionate appointment within two months of the employee's death. After the petitioner attained majority and fulfilled the requisite eligibility criteria, she was appointed as Lower Division Clerk (Assistant Grade-III) on compassionate grounds by order dated 15.01.2016. Subsequently, on the basis of an inquiry conducted pursuant to complaints published in local newspapers, the District Level Committee opined that the petitioner was ineligible for compassionate appointment on the ground that the application had been made beyond the prescribed period of five years. Acting upon the said report, the Collector, Gariyaband, issued the impugned memorandum dated 06.08.2019 directing the District Education Officer to cancel the petitioner's appointment. It is contended that the impugned action is wholly arbitrary and contrary to Paragraphs 15(2) and 15(8) of the Revised Directions, 2013 governing compassionate appointments, which specifically protect the claims of minor dependants where no major family member is available to seek appointment immediately after the death of the employee.
- 3.** Learned counsel for the petitioner further submits that the recommendation of the District Level Committee, on the basis of which the impugned memorandum came to be issued, was made without affording any opportunity of hearing to the petitioner, in gross violation of the principles of natural justice. Hence, the impugned memorandum deserves to be quashed.



4. Learned State counsel, on the other hand, supports the impugned memorandum and submits that the petitioner's appointment on compassionate grounds was found to be contrary to the applicable policy during the inquiry conducted by the competent authority. It is submitted that the impugned action has been taken in accordance with law and, therefore, the writ petition deserves to be dismissed.
5. I have learned counsel for the parties and perused the records.
6. It is evident from the record that the recommendation for cancellation of the petitioner's compassionate appointment was made by the District Level Committee without affording the petitioner an opportunity of participation or hearing in the inquiry. Since the recommendation adversely affects the petitioner's vested rights, adherence to the principles of natural justice was mandatory.
7. Accordingly, the impugned memorandum dated 06.08.2019 to the extent of petitioner is hereby set aside. The writ petition is allowed to the aforesaid extent.

Sd/-
(Sanjay K. Agrawal)
Judge