



2026:CGHC:18042

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6372 of 2021

Ishwar Das Hirwani S/o Late Shri Tirith Ram Hirwani Aged About 41 Years R/o Village- Madanpur, Post- Nawagarh, Tahsil- Nawagarh, District- Bemetara C.G.
... Petitioner

versus

- 1** - State Of Chhattisgarh Through- The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Raipur (C.G.).
2 - The Director Directorate Of Public Instruction, Chhattisgarh, Raipur (C.G.).
3 - The District Education Officer Bemetara, C.G.

... Respondent(s)

For Petitioner(s)	:	Mr. Vikrant Pillai, Advocate
For State	:	Mr. Topilal Bareth, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

21/04/2026

1. By way of this writ petition, the petitioner has challenged the order dated 08.10.2021 (Annexure P/1) issued by respondent No.3, whereby the application moved by the petitioner for grant of compassionate appointment was rejected on the ground that his brothers namely Tularam Hirwari and Virendra Kumar are already in Government Service.
2. Learned counsel for the petitioner would submit that the father of the petitioner, namely Late Tirath Ram Hirwari, who was working on the

post of Head Master at Government Primary School, Gatapar, Block Saja, District Bemetara, died in harness on 01.02.2021. He would further submit that the petitioner moved an application for compassionate appointment on 16.02.2021 before respondent No.3. He would also submit that though the brothers of the petitioner are in Government Services but they are living separately from the family even prior to the death of his father and they are not providing financial assistance to the petitioner; thus, he would pray that the petition may be allowed.

3. On the other hand, learned State counsel would submit that as per Clause 6A of the policy dated 29.08.2016 issued by the General Administration Department, Government of Chhattisgarh, if any family member of the deceased government servant is already employed in government service, no other family member is eligible 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 held that the policy does not envisage any inquiry into the financial condition of other family members, and eligibility has to be decided strictly as per the policy.
4. I have heard learned counsel for the parties and perused the documents placed on file.
5. In the matter of ***Muniya Bai*** (supra), the Hon'ble Division Bench, 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."*

6. In view of the above legal position, the plea of the petitioner that his brothers are living separately and are not providing financial assistance

to him and his widowed mother cannot be a ground to bypass the express condition under Clause 6A of the policy.

7. Admittedly, the petitioner's brothers are already in government service, which is not in dispute. Clause 6A in the compassionate appointment policy was inserted vide circular dated 29.08.2016. The petitioner has not challenged the validity of the said circular in the present petition.
8. 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.
9. Taking into consideration the above-stated facts, this Court does not find any good ground to interfere with the impugned order dated 08.10.2021 (Annexure P/1).
10. Accordingly, the writ petition is devoid of merit and is hereby **dismissed**. No order as to costs.

Sd/-

Rakesh Mohan Pandey

JUDGE

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