



2026:CGHC:9167

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 9039 of 2023

1 - Ritu Singh D/o. Late. Bharat Bhushan Singh, Aged About 19 Years
R/o. Village Narkalo, Tahsil Lakhanpur, District Surguja Chhattisgarh.

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Secretary, School Education
Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur,
District Raipur Chhattisgarh.

2 - District Education Officer, Ambikapur, District Surguja Chhattisgarh.

3 - Smt. Memwati Singh, Wd/o Late. Bharat Bhushan Singh Aged About
35 Years R/o. Village Narkalo, Post Lakhanpur, District Lakhanpur

... **Respondents**

(Cause-title taken from the Case Information System)

For Petitioner :- Mr. Anurag Singh, Advocate

For State :- Mr. Ujjawal Choubey, P.L.

For Respondent No. 3 :- Mr. Sushil Dubey, Advocate

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

20.02.2026

1. The petitioner has filed the instant petition challenging the order dated 14.08.2023 passed by respondent no.2 whereby compassionate

appointment has been granted to respondent no.3 without obtaining any consent from petitioner.

2. The petitioner in the present writ petition has prayed for following reliefs:-

“1] That, this Hon'ble Court may kindly be pleased to issue a writ/writs, direction/directions, order/orders quashing the order dated 14.08.2023 (Annex.P/1) in interest of justice.

2] That, this Hon'ble Court may kindly be pleased to issue a writ/writs, direction/directions, order/orders to the respondents to take decision on the application of the petitioner for compassionate appointment within period of 90 days in interest of justice.

3] That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.”

3. Facts of the case are the petitioner has filed the present writ petition challenging the legality and propriety of the action of the respondents in relation to compassionate appointment. The petitioner's father, Late Bharat Bhushan Singh, who was the sole breadwinner of the family, was working as a Lecturer at Government High School, Lakshmangarh, Block Udaiphar, District Surguja (C.G.) and met with a premature death on 24.03.2023, resulting in acute financial distress to the petitioner and her family, who were dependent upon him. After his death, the petitioner submitted an application for compassionate

appointment along with all requisite documents on 25.04.2023. The petitioner is the daughter born from the relationship between Late Bharat Bhushan Singh and Gangotri Singh, and her legitimacy and dependency stand established by orders passed under Sections 125 and 127 Cr.P.C. by the Family Court, Ambikapur, including the order dated 28.10.2021 enhancing maintenance to Rs. 8,000/-, which recognizes her equal rights as a child of the deceased. Despite this, compassionate appointment was granted to respondent no.3 without obtaining consent from the petitioner or her mother and by suppressing material facts, in violation of the State Government policy governing compassionate appointment, whose object is to provide immediate relief to the family of the deceased employee in financial distress.

4. learned counsel for the petitioner submits that the impugned order is illegal, arbitrary, discriminatory, and unsustainable in the eyes of law, as it has been passed without obtaining the consent of the petitioner or her mother, despite the petitioner being a child of Late Bharat Bhushan and having equal rights with respondent no.3 for consideration of compassionate appointment. It is submitted that the respondents failed to appreciate that the petitioner is the only family member capable of providing financial support to the bereaved family and that compassionate appointment, being an exception to the general rule under Article 16 of the Constitution, must nevertheless conform to the mandate of Articles 14 and 16 and must not discriminate on any prohibited ground, including descent. The respondent authorities further erred in ignoring the settled object of compassionate appointment,

which is to provide immediate financial relief and welfare to the family of a deceased employee, despite the petitioner possessing the requisite qualification and eligibility for such appointment and the family facing grave financial hardship after the death of the deceased employee. It is further submitted that the employer, being an authority within the meaning of Article 12 of the Constitution, was under a constitutional obligation to act fairly and in furtherance of social and economic justice, but failed to do so by acting arbitrarily and unreasonably. Lastly, the exclusion of the petitioner from consideration for compassionate appointment merely on the ground that her mother was not the legally wedded wife of the deceased employee has no reasonable nexus with the object sought to be achieved and is wholly unconstitutional, as it defeats the very purpose of ensuring dignity and sustenance to the family of an employee who died in harness.

5. Learned State counsel opposes the petition and submits that the writ petition is based on incorrect facts and is liable to be dismissed. It is submitted that the compassionate appointment dated 14.08.2023 was granted to respondent no.3 strictly in accordance with law and government policy, after verifying the service records of the deceased employee. The service book and nomination forms clearly show respondent no.3 as the wife of Late Bharat Bhushan Singh and the sole nominee entitled to 100% benefits. It is further submitted that the parents of the deceased also gave affidavits supporting compassionate appointment in favour of respondent no.3 due to financial hardship and absence of any earning member in the family. No illegality or

arbitrariness has been committed by the authorities, compassionate appointment cannot be claimed as a matter of right, and therefore no case for interference under writ jurisdiction is made out. Hence, the writ petition deserves to be dismissed.

6. Learned counsel for respondent no.3 submits that the present writ petition challenges the order dated 14.08.2023 passed by the District Education Officer, Ambikapur, granting compassionate appointment to respondent no.3, the legally wedded wife and widow of Late Bharat Bhushan Singh, who died in harness on 24.03.2023 while working as a Lecturer in Government High School, Lakshamgarh, Block Udaypur, District Surguja. It is submitted that respondent no.3 applied for compassionate appointment along with all required documents and consent of family members, and her claim was duly examined in accordance with the Consolidated Policy for Compassionate Appointment, 2013, which clearly provides that the widow of the deceased employee has first priority for compassionate appointment. The competent authority, after verifying the service records and nomination details of the deceased employee, which record respondent no.3 as wife and sole nominee with 100% share, rightly found her eligible and granted compassionate appointment. It is further submitted that the aged parents of the deceased also gave their consent by way of affidavits supporting the appointment of respondent no.3 due to financial hardship. In view of the clear policy provisions and undisputed service records, the petitioner has no superior or enforceable right over respondent no.3, and no illegality, arbitrariness, or violation of law is

made out. Therefore, the writ petition is devoid of merit and deserves to be dismissed at the threshold.

7. I have heard learned counsel for the parties and perused the record.

8. In the opinion of this Court, the compassionate appointment is not a matter of right but an exception to the general rule of public employment under Article 16 of the Constitution of India, intended to provide immediate financial assistance to the family of a deceased employee who dies in harness. The claim has to be strictly considered in accordance with the applicable policy.

9. In the present case, the material available on record, including the service book and nomination forms of Late Bharat Bhushan Singh, reflects respondent No.3 as the legally wedded wife and sole nominee entitled to 100% service benefits. The Consolidated Policy for Compassionate Appointment, 2013, as relied upon by the respondents, provides first priority to the widow of the deceased employee. The competent authority, after due verification of the records and upon obtaining affidavits from the parents of the deceased supporting the claim of respondent No.3, granted compassionate appointment to her vide order dated 14.08.2023.

10. The petitioner, though claiming to be the daughter of the deceased and asserting dependency on the basis of maintenance orders passed by the Family Court, cannot claim compassionate appointment as a matter of right or in preference to the widow when the

policy itself accords priority to the surviving spouse. This Court does not find any material to demonstrate arbitrariness, mala fides, or violation of the governing policy in the grant of appointment to respondent No.3.

11. However, it is noted that respondent No.3 has filed an affidavit stating that she shall take care of the unmarried step-daughter, i.e., the petitioner. Being the widow of the deceased employee and a beneficiary of compassionate appointment, respondent No.3 is expected to discharge her moral and legal obligation towards the petitioner.

12. In the event the petitioner is not being adequately maintained or provided financial support by respondent No.3, it shall be open for the petitioner to avail appropriate remedies available under law before the concerned competent Court for seeking maintenance or other reliefs, in accordance with law.

13. In view of the foregoing discussion, no case for interference under Article 226 of the Constitution of India is made out. The writ petition is accordingly **disposed of**.

No order as to costs.

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha