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**Single Bench**

S.B. (Service Matter)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(CHHATTISGARH)

WRIT PETITION (S) NO. 6188 /2014.

PETITIONER:

Gitesh Kumar Bhardwaj, son of Late  
Narmada Prasad Bhardwaj, aged  
about 18 years, residence of village  
and Post Hasaud via Birra, District  
Janjgir-Champa, Chhattisgarh.

versus

Respondents

1. State of Chhattisgarh, Through  
Secretary, Department of Education,  
Mahanadi Bhawan, Mantralaya, Naya  
Raipur, District Raipur, Chhattisgarh.
2. District Education Officer, Janjgir-  
Champa, District Janjgir-Champa,  
Chhattisgarh.
3. Block Education Officer, Jaijaipur,  
District Janjgir-Champa,  
Chhattisgarh.

WRIT PETITION UNDER ARTICLE 226 OF THE  
CONSTITUTION OF INDIA

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8/3/15

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**(Single Bench: Hon'ble Shri Justice P. Sam Koshy)**

**Writ Petition (S) No. 6188 of 2014**

**Petitioner**

Gitesh Kumar Bhardwaj

**VERSUS**

**Respondents**

State of Chhattisgarh and  
others

**Present:** Shri C. J. K. Rao, counsel for the petitioner.  
Shri Shashank Thakur, G.A. for the State.

**O R D E R**  
**(30.01.2015)**

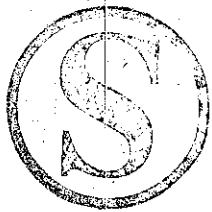
The petitioner through the instant petition is challenging the order dated 03.07.2014 (Annexure P-1) passed by the District Education Officer, Janjgir-Champa whereby the application for grant of compassionate appointment to the petitioner has been rejected.

Counsel for the petitioner submits that the claim of the petitioner has been rejected only on the ground of delay. He submits that the ground for which the application of the petitioner has been rejected is that the present petitioner had not moved the application within a period of six months from the death of his father i.e. the deceased employee intimating to keep his claim alive till he attained the age of majority and therefore the claim of the petitioner has been rejected vide impugned order dated 03.07.2014.

At this juncture, counsel for the petitioner submits that the said issue of delay is no longer *res integra* on account of the fact that the Division Bench of this High Court in the case of Supram Prasad v. State of C.G. & Another reported in 2012 (4) C.G.L.J. 137 (DB) has already held that such a ground of rejection is *per se* illegal, arbitrary and also bad in law. The Division Bench of this Court vide the said judgment has already directed the State government to grant suitable order of appointment to the petitioner therein.

State counsel on due consideration of the facts in the case of Supram Prasad (Supra) submits that the case in hand also squarely stands decided by the said judgment of the Division Bench of this Court.

Considering the submissions made by the counsel for the



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State, this Court does not intend to go into the merits of the case and feels it just and proper to dispose of the present petition to the extent of quashing of the order dated 03.07.2014 whereby the claim of the petitioner has been rejected only on the ground of delay.

Accordingly, the respondents are directed to take an appropriate objective decision on the claim of the petitioner ignoring the aspect of delay in moving the application. Needless to mention that the respondents would be at liberty to assess all the criteria except the ground of delay in accordance with law while granting compassionate appointment to the petitioner.

With the above observations the instant petition is allowed and disposed of accordingly.

Sd/-  
**P. Sam Koshy**  
Judge