



2026:CGHC:24909

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1005 of 2023

1 - Vasudev Sahu S/o Late Shri Prahlad Sahu Aged About 26 Years R/o Village - Nawagaon, P.O. Maraud, Block - Kurud, District - Dhamtari (C.G.)

... **Petitioner**

versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Nawa Raipur Atal Nagar, Raipur (C.G.)

2 - The Director Panchayat, State Of Chhattisgarh, H.Q. Vikas Bhawan, Ground Floor, Sector - 19, North Block, Nawa Raipur, Atal Nagar, Raipur (C.G.)

3 - The Chief Executive Officer Zila Panchayat, Dhamtari (C.G.)

4 - The District Education Officer District - Janjgir - Champa (C.G.)

5 - The Block Education Officer Education Block -Kurud, District - Dhamtari (C.G.)

... **Respondents**

(Cause title, as taken from CIS)

For Petitioner	: Ms. Juhi Anguriya, Advocate
For State/Resp. No.1, 2, 4 & 5	: Mr. Mayoer Khandelwal, PL
For Respondent No.3	: Mr. Siddharth Sharma, Adv. on behalf of Mr. Suyash Dhar Badgaiyan, Adv.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

**Order on Board****19/06/2026**

1. With the consent of the parties, the matter is heard finally.
2. This writ petition has been preferred under Article 226 of the Constitution of India by the petitioner seeking quashment of the impugned order dated 06.12.2022 (Annexure P-1), issued by respondent No.2, whereby the petitioner has been declared ineligible for grant of compassionate appointment on the ground that he failed to acquire the required qualifications within the prescribed period granted to him.
3. The facts of the case, in brief, are that the petitioner's father, Late Shri Prahlad Sahu, died in harness on 07.04.2017 while serving as an Assistant Teacher (LB) at Government Middle School, Bhainsbod, Janpad Panchayat Kurud, District Dhamtari (CG). Thereafter, the petitioner submitted an application dated 13.06.2017 seeking compassionate appointment. However, as he did not possess the requisite qualifications, namely, Bachelor of Education (B.Ed.) or Diploma in Education (D.Ed.) and Teacher Eligibility Test (TET) qualification, the competent authority of the District Panchayat, Dhamtari, vide order dated 12.07.2017 (Annexure P-2), directed him to obtain requisite qualifications, i.e., B.Ed/D.Ed & TET, within a period of three years. The petitioner passed D.El.Ed. examination on 22.05.2019 and thereby became eligible to participate in TET examination. He had filed application in the year 2020 to participate in TET examination; however, the examination was cancelled by the Authorities due to COVID-19 pandemic vide order dated 13.03.2020. Thereafter, the petitioner submitted various applications dated 22.04.2020 (Annexure P-4), 11.05.2020, 21.06.2020 and 21.03.2022 seeking extension of time for acquiring the requisite qualifications. His application dated 21.03.2022 was forwarded by the Chief Executive Officer, District



Panchayat, Dhamtari, vide Annexure P-5 dated 20.04.2022, to the Commissioner, Directorate of Panchayat, Nava Raipur (CG). Meanwhile, the TET examination for the year 2020 was eventually conducted on 09.01.2022, in which the petitioner participated and passed, as evidenced by the certificate / marksheet (Annexure P-8). However, despite having acquired qualifications, the petitioner's candidature for getting compassionate appointment was rejected vide impugned order dated 06.12.2022 (Annexure P-1) by the respondents, declaring him ineligible on the ground that he did not acquire eligibility criteria within the stipulated period granted to him. Aggrieved by the said order, the petitioner has filed the present writ petition.

4. Learned counsel for the petitioner submits that within the three-year period granted by respondent authorities for acquiring the requisite qualifications, the petitioner passed D.El.Ed. examination in the year 2019. He further submits that the petitioner had also applied on 19.02.2020 for the TET examination scheduled to be held on 22.03.2020; however, prior to that, the Authorities themselves cancelled it due to COVID-19 pandemic, hence, he submitted various applications dated 22.04.2020 (Annexure P-4), 11.05.2020, 21.06.2020 and 21.03.2022 seeking extension of time for acquiring the requisite qualification. It is further submitted that the said examination was eventually conducted on 09.01.2022 by the Authorities, in which the petitioner participated and passed the same, as reflected in the certificate/marksheet (Annexure P-8), which itself shows that, the TET examination pertained to the year 2020. Learned counsel further submits that since the TET examination scheduled for March, 2020 was cancelled by the Authorities themselves owing to the COVID-19 pandemic which was ultimately held in January, 2022, the petitioner cannot be faulted for not obtaining the requisite qualification within the stipulated three-year period



granted by the Authorities. Therefore, the impugned order dated 06.12.2022 (Annexure P-1), rejecting the petitioner's claim for compassionate appointment on account of non-availability of requisite qualifications, is completely perverse and illegal. Hence, learned counsel prays that the impugned order (Annexure P-1) be quashed and the respondents may be directed to decide the application filed by the petitioner for grant of compassionate appointment.

5. The State-Respondent Nos.1, 2, 4 & 5 have filed their reply. Respondent No.3 has also filed a separate reply. Learned counsel appearing for the respondents, referring to their reply, would submit that as per Circular dated 07.02.2014 (Annexure R-3/1), a candidate seeking compassionate appointment ought to have possessed requisite qualifications, i.e., B.Ed./D.Ed. and TET. It is further submitted that when the petitioner filed an application for grant of compassionate appointment, he possessed only class-12th certificate and did not have either the B.Ed. / D.Ed. or TET qualification, therefore, vide order dated 12.07.2017 (Annexure P-2) issued by the District Panchayat Dhamtari, he was granted three years' time to acquire aforesaid requisite qualifications from the date of death of his father, as such the petitioner ought to have obtained the said qualifications by April, 2020 but till that time, the petitioner could not obtain aforesaid qualifications. Though the petitioner passed D.El.Ed. examination, he failed to obtain TET qualification within the stipulated period. Therefore, his candidature has been rejected holding him to be ineligible for grant of compassionate appointment. Hence, it is prayed that the writ petition may be dismissed.

6. Heard learned counsel for the parties and perused the material available on record.



7. Undisputedly, the petitioner's father died on 07.04.2017, and the petitioner submitted an application for grant of compassionate appointment on 13.06.2017. At that time, he possessed only Class-12th certificate, therefore, vide order dated 12.07.2017 (Annexure P-2), he was granted three years' time to obtain requisite eligibility criteria / certificate, i.e., B.Ed./D.El.Ed. and TET, as per the Circular dated 07.02.2014 (Annexure R-3/1). As per record, the petitioner obtained D.El.Ed. certificate issued by the National Institute of Open Schooling in the year 2019. However, he could not obtain the TET qualification due to the outbreak of COVID-19 pandemic. The press note dated 13.03.2020 (Annexure P-3), issued by the Advisor, Chhattisgarh Professional Examination Board, Raipur, clearly indicates that the TET examination scheduled for 22.03.2020 was cancelled on account of COVID-19 pandemic. No material has been brought on record by the respondents to show that any TET examination was conducted between 2017 and March 2020, rather, Annexure P-8 demonstrates that the TET examination for the year 2020 was ultimately conducted on 09.01.2022, and the result thereof was declared on 22.04.2022, wherein the petitioner successfully qualified and was declared eligible.

8. As per the order dated 12.07.2017, the petitioner had obtained requisite qualifications, i.e., D.El.Ed. and TET certificate within a period of three years from the date of death of his father i.e. 07.04.2017, till April 2020 but as has been stated above, that TET examination scheduled in the month of March 2020 was cancelled by the Authorities due to COVID-19 pandemic but no facts / documents have been brought on record by the respondent Authorities to substantiate the fact that prior to March 2020, TET examination was held. Further, the petitioner had sent various applications dated 22.04.2020 (Annexure P-4), 11.05.2020, 21.06.2020 and 21.03.2022 seeking



extension of time for acquiring the requisite qualification. Thus, if TET examination of March 2020 examination itself was held in the month of January 2022 and the petitioner has passed the same vide Annexure P-8, it cannot be said that the petitioner failed to acquire requisite qualifications within the prescribed period granted to him vide order Annexure P-2.

9. Even otherwise vide WP(PIL) No.27/2020 and Suo Motu Writ Petition (Civil) No.3/2020, the Hon'ble Supreme Court, vide order dated 06.05.2020, directed that the period from 15.03.2020 to 28.02.2022 shall stand excluded for the purpose of limitation owing to the extraordinary circumstances arising from COVID-19 pandemic. The said principle would equally apply to actions of State Instrumentalities in the present case.

10. In view of the above discussion, the Court is of the considered opinion that the petitioner acquired requisite qualifications within a period of three years granted to him, therefore he is very much eligible to be considered for grant of compassionate appointment on account of death of his father, late Shri Prahlad Sahu.

11. Consequently, this writ petition is allowed. The impugned order dated 06.12.2022 (Annexure P-1), issued by respondent No.2, the Director Panchayat, is hereby quashed. The respondent Authorities are directed to consider the petitioner's case for grant of compassionate appointment in accordance with law.

12. Since considerable time has already elapsed, therefore, it is directed that aforesaid prayer/application of the petitioner be considered by the respondent Authorities as early as possible preferably within a period of 45 days from the date of receipt/submission of a copy of this order.

13. Accordingly, the present writ petition stands **allowed**.



14. Pending interlocutory application(s), if any, also stands disposed of. No order as to cost(s).

Sd/-
(Naresh Kumar Chandravanshi)
JUDGE

Rukhsar