
(2014) 08 MP CK 0078
In the Madhya Pradesh High Court
Case No : Writ Petition No. 4505/2014

Mukesh Kumar Jatav

APPELLANT

Vs

State of M.P.

RESPONDENT

Date of Decision : 01-08-2014

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2014) 08 MP CK 0078

Hon'ble Judges : Rohit Arya, J

Bench : Single Bench

Advocate : D.P. Singh, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Rohit Arya, J.—By this petition under Article 226 of the Constitution of India petitioner seeks to challenge the communication dated 24/1/2014 and 13/2/2014 (Annexure P/1 and P/2) by which the petitioner's claim for appointment on compassionate ground has been regretted.

2. Facts necessary for the disposal of this petition are to the effect that petitioner's father, namely, Kamlesh Jatav was serving the respondents as an Assistant Teacher and had died on 17/4/2009, during service, leaving behind petitioner only, as his wife Smt. Seeta had died in the year 1996. On complaint filed by the petitioner against the appointment as Assistant Teacher provided to one Smt. Batasiya on compassionate ground, who styled herself as widow of Late Shri Kamlesh Jatav (father of the petitioner), vide order dated 11/11/2011 (Annexure P/8) documents/mark-sheets submitted by Smt. Batasiya were found to be forged and appointment aforesaid was cancelled.

3. The petitioner applied for appointment on compassionate ground. Petitioner holds qualification of Higher Secondary, but he does not have teachers training qualification, therefore, in terms of the policy dated 18/8/2008 (Annexure P/9), petitioner was not found fit for appointment as Samvida Shala Shikshak, the post

against which the petitioner could be offered appointment on compassionate ground as per the policy, clause 5, and accordingly, the same was regretted by the impugned communication dated 24/1/2014. Petitioner again applied for appointment as Peon, however, the same has been regretted on 13/2/2014 (Annexure P/2) on the ground that as per the directives issued by the M.P. Shashan Panchayat Awam Gramin Vikas Vibhag, Mantralaya, Bhopal vide letter No. F2-11/2005/22/P.2/Bhopal dated 28/12/2005 on the death of Late Shri Kailash Jatav petitioner may be offered appointment only as Samvida Shala Shikshak. As such, for want of provision providing employment as Peon the petitioner could not be offered appointment on compassionate basis as a Peon, as being son of a Shiksha Karmi he could be offered appointment as Samvida Shala Shikshak provided he possesses the qualifications, which he did not.

4. Having perused the impugned orders and policy referred by the counsel, this Court is of the view that respondents have not committed any illegality having regretted the claim of petitioner seeking appointment on compassionate ground vide Annexure P/1. As a matter of fact, appointment on compassionate ground is provided only to tied over the financial crisis due to death of the bread earner in harness. In this case, Late Shri Kamlesh Jatav had died on 17/4/2009. Petitioner qualified High School Examination in the year 2011. He is the sole person left behind by Late Shri Kailash Jatav. Admittedly, petitioner does not possess the teachers training qualification and, therefore, not eligible for appointment as Samvida Shala Shikshak. Being son of a Shiksha Karmi he could have only been offered the appointment as Samvida Shala Shikshak, hence, rejection for want of qualification cannot be said to be illegal. Besides, as there is no provision for providing compassionate appointment as a Peon to the dependent of a deceased-Shiksha Karmi, as per the directives of the Government, no fault can be found with the rejection of the claim vide Annexure P/2. In view of the aforesaid facts and circumstances, in the opinion of this Court, writ petition sans merits is hereby dismissed.