

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL**

ON THE 31st OF JANUARY, 2023

WRIT PETITION No. 20431 of 2011

BETWEEN:-

**KRISHNA KUMAR PANDEY S/O LATE SHRI RAM
BHUVAN PANDEY, AGED ABOUT 21 YEARS, VILL.
BADKHARA TAHSIL CHURHAT, DISTRICT SIDHI (M.P.)**

.....PETITIONER

(NONE FOR THE PETITIONER)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
SECRETARY, DEPARTMENT OF EDUCATION,
VALLABH BHAWAN BHOPAL (M.P.)**
- 2. COLLECTOR / DISTRICT MAGISTRATE, SIDHI,
DISTRICT SIDHI (M.P.)**
- 3. DISTRICT EDUCATION OFFICER, SIDHI, DISTRICT
SIDHI (M.P.)**
- 4. THE VIKAS KHAND EDUCATION VIKAS KHAND
RAMPUR NAIKEN, DISTRICT SIDHI (M.P.)**

.....RESPONDENTS

(BY SHRI VIJAY KUMAR SHUKLA - PANEL LAWYER)

.....
*This petition coming on for admission this day, the court passed the
following:*

ORDER

None for the petitioner.

Nobody had appeared for the petitioner on 26.02.2018 and 06.03.2018
also. Today also, nobody appeared for the petitioner.

This petition is filed by the petitioner claiming compassionate

appointment on the death of father of the petitioner, who was working as Assistant Teacher in the Government Primary School, Bhitari, Sankul Government Higher Secondary School, Kandhwar, District Sidhi, where while working he died on 08.06.2009.

Petitioner's contention is that he had applied for compassionate appointment on the post of Peon in the Vikas Khand Rampur Naikin, District Sidhi.

Now petitioner's grievance is that since petitioner is Higher Secondary pass, therefore, he should be given appointment on a Class III post like Ward Boy, Patwari, Registration Clerk, etc. in terms of the circular of General Administration Department dated 18.08.2008.

Law in this regard is well settled that there cannot be an endless compassion. Once petitioner accepted appointment on compassionate basis on a Class IV post then, he cannot seek upgradation of his appointment after accepting appointment on a Class IV post and, therefore, in the light of the judgment of Hon'ble Supreme Court in case of **State of Rajasthan Vs. Umrao Singh, (1994) 6 SCC 560**, wherein it is held that once a compassionate appointment was given and accepted, the right to such appointment held stood exhausted. Second consideration for a higher post is not warranted. Therefore, prayer for grant of compassionate appointment on a higher post after accepting compassionate appointment on a Class IV post, cannot be granted to the petitioner.

In view of above, petition fails and is dismissed.

(VIVEK AGARWAL)

