



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>WPSS 1742/2022</p> <p><u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Mr. Arvind Vashistha, Senior Advocate, for the petitioner.</p> <p>Mr. R.C. Joshi, Brief Holder, for the State.</p> <p>(2) Petitioner's wife was employed as Assistant Teacher, LT Grade in a government aided intermediate college, namely, Arya Kanya Inter College, Rudrapur, who died while in harness on 13.7.2020. According to petitioner, he is not having any regular source of income and he was mainly dependent upon his wife for sustenance, therefore upon death of his wife, petitioner applied for compassionate appointment. His request was turned down by Manager of the concerned institution vide letter dated 30.6.2022, which is impugned in this writ petition.</p> <p>(3) The reason assigned for not considering petitioner's request for compassionate appointment is that there is no vacancy available on a post which is commensurate to petitioner's educational qualification. In other words, the reason assigned for turning down petitioner's request is that petitioner is overqualified for appointment against existing vacancies. Since Regulation 91 of Chapter II of the Regulations framed under Uttarakhand School Education Act, 2006 confers a statutory right upon dependent of a deceased government employee of an aided institution, therefore, the reason assigned for not considering petitioner's claim does not appear to be proper. Since petitioner never insisted that he be appointed on compassionate ground on a post commensurate to his educational qualification and learned Counsel for the petitioner points</p>



out that petitioner is ready to accept any post, whatever is offered to him, therefore, management could not have gone overboard by stating that posts available in the institution are not suitable/appropriate for the petitioner.

(4) In such view of the matter, impugned communication dated 30.6.2022 is set aside. The matter is relegated to the competent authority to consider the claim of petitioner for compassionate appointment on merits and pass appropriate order, as per law, within six weeks from the date of presentation of certified copy of this order.

(Manoj Kumar Tiwari, J.)
10.3.2026

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