

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 8.7.2015.

CORAM

THE HON'BLE MR.JUSTICE D.HARIPARANTHAMAN, J.

W.P.No.20224 of 2015

G.Arun

... Petitioner

vs.

1. The Director of School Education
College Road Chennai-600 006.
2. The District Educational Officer
Hosur Krishnagiri District.
3. The Headmaster
Govt. Boys Higher Secondary School
Bagalur Krishnagiri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the 2nd Respondent in Na.Ka.No. 4239/A1/2010 dated 23.08.2014, quash the same and consequently direct the Respondents herein to consider the appointment of the Petitioner on Compassionate Grounds with all attendant benefits.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.S.Gunasekaran,
Government Advocate

सत्यमेव जयते
ORDER

Since the issue involved is a narrow one, the writ petition itself is taken up for final disposal at the admission stage.

2. Heard the learned counsel appearing for both sides.

3. The father of the petitioner was employed as Office Assistant in the Government Boys Higher Secondary School, Bagalur. He died on

7.11.2007 while he was in service. The petitioner made an application for compassionate appointment on 3.3.2008 in the format prescribed. The date of birth of the petitioner is 13.6.1990. When he applied for appointment on compassionate grounds, he passed plus two examination. At the time of death of his father, he completed 17 years and 5 months. As per the existing rules, he can make an application for appointment on compassionate ground within a period of three years. When he made the application on 3.3.2008, in time, he was 17 years and 9 months old.

4. The second respondent issued proceedings dated 15.7.2009, 26.9.2009 and 24.12.2010 directing the petitioner to produce various documents for the purpose of appointment on compassionate ground. Accordingly, the petitioner produced those documents. Thereafter, it is important to note that the second respondent, in his proceedings in Na.Ka.No.4089/2010/A1 dated 7.3.2011, recommended for appointment of the petitioner on compassionate ground, to the first respondent. While so, the first respondent passed the impugned order dated 23.8.2014 rejecting his claim on the sole ground that at the time of death of the Government Servant, the petitioner was only 17 years old and he is not suitable for appointment on compassionate ground as per G.O.(Ms.) No.112 dated 23.8.2005 and Letter (Ms) No.86/Q-1/10-2 dated 4.5.2010.

5. Learned Government Advocate has submitted that the aforesaid G.O.Ms.No.112 requires that a person making an application for appointment on compassionate ground should have completed 18 years at the time of death of the Government Servant. However, he fairly submitted that the same condition is now relaxed in G.O. Ms.No.155 Labour and Employment (Q1) Department dated 10.12.2014 and produced a copy of the same.

6. In view of the above facts and circumstances, I am inclined to quash the impugned order and the matter is remanded to the second respondent to pass appropriate order providing appointment to the petitioner on compassionate ground, if there is no other impediment, within a period of eight weeks from the date of receipt of copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

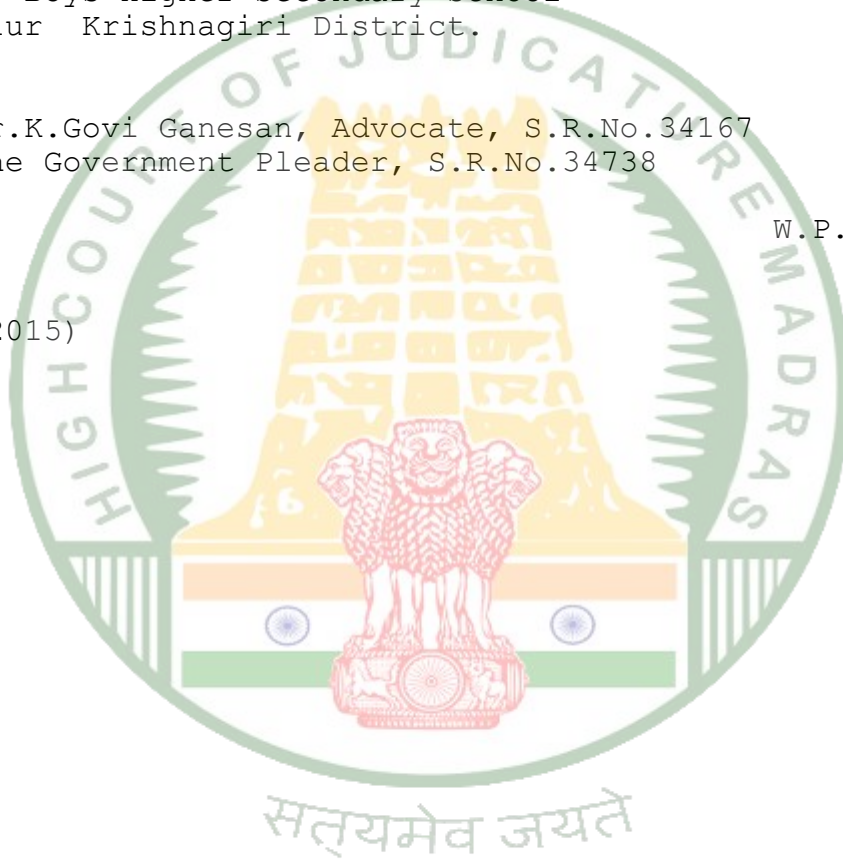
To

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3. The Headmaster
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Bagalur Krishnagiri District.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.34167
+1cc to the Government Pleader, S.R.No.34738

W.P.No.20224 of 2015

BR(CO)
CA(28/07/2015)



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