

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.23266 of 2015
and
M.P.No.1 of 2015

S.Vincent Daniel

...Petitioner

-Versus-

1. State of Tamil Nadu,
Rep. By its Secretary,
Education Department,
Fort St. George,
Chennai 600 009.
2. The Director of School Education,
DPI Campus,
College Road,
Chennai 600 006.
3. The District Educational Officer,
Coimbatore.
4. The Headmaster,
VCV Government Higher Secondary School,
Vellakinar,
Coimbatore 641 029.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Certiorarified Mandamus calling for the records of the 3rd respondent relation in the proceedings in O.Mu.No.1762/A3/2010, dated 12.03.2010 and to quash the same and consequently direct the respondents to consider the application of the petitioner dated 21.05.2007 for employment assistance on compassionate ground by applying G.O.Ms.No.42, Labour and Employment Department, dated 12.03.2007 whereby the time limit for providing employment assistance on compassionate ground has been extended by a period of three months from the date of issuance of the said Government Order and to consequently direct the respondents to appoint the

petitioner as Junior Assistant or in any other post commensurate with his educational qualification on compassionate ground within a time frame to be fixed by this court.

For petitioner : Mrs.Dakshayani Reddy

For respondents : Mr.S.Gunasekar, GA

ORDER

The father of the petitioner was working as Tamil Pandit in 4th respondent School. He had put in twenty-seven years of service in the School Education Department. The father of the petitioner died on 18.08.2002 while he was in service.

2. According to the petitioner, after the death of his father, he made an application to the respondents seeking employment assistance on compassionate ground, but, the same was not considered then, as there was a ban in force in respect of all recruitments and he was advised to wait and apply for after the ban is lifted. Accordingly, after the ban for recruitments has been lifted, he made an application on 21.05.2007 for compassionate appointment.

3. While so, the 3rd respondent passed the impugned order on 12.03.20010 rejecting the claim of the petitioner for employment assistance on compassionate ground on the ground that he did not make his application seeking employment on compassionate ground within a period of three years from the date of the death of his father. Hence, he has come forward with this writ petition seeking to quash the impugned order and for a consequential direction to the respondents.

4. Heard both sides and also perused the records carefully.

5. It is not in dispute that the father of the petitioner died on 18.08.2002 while he was in service and the petitioner made an application on 21.05.2007 seeking employment assistance on compassionate grounds. But, as rightly contended by the learned counsel for the petitioner, there was ban on recruitments between 29.11.2001 and 21.02.2006 and the same was subsequently lifted. Subsequent to the lifting of ban, the Government has issued G.O. (Ms) No.42, Labour and Employment (Q1) Department dated 12.03.2007 permitting the applicants to make application for appointment on compassionate grounds within a period of three months from the date of issue of the said order.

6. It is worthwhile to extract para 7 of the said Government Order which reads as under:-

"7.The Government hereby extend the period for receiving application for appointment on compassionate grounds for three months from the date of issue of this order, considering the ban order on filling up of vacant posts, which was in force from 29.11.2001 to 21.02.2006."

But, the District Educational Officer passed the impugned order without considering the aforesaid Government Order. In view of the Government Order in G.O.(Ms) No.42, Labour and Employment (Q1) Department dated 12.03.2007, I am of the considered view that the impugned order is liable to be quashed.

7. In the result, this writ petition is allowed and the impugned order is quashed. The 3rd respondent is directed to consider the application of the petitioner for appointment on compassionate grounds and to provide suitable employment to the petitioner based on his educational qualification, if there is no other impediment, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected MP is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

kmk

To

1. The Secretary,
Education Department,
Fort St. George,
Chennai 600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

3.The District Educational Officer,
Coimbatore.

4.The Headmaster,
VCV Government Higher Secondary School,
Vellakinar,
Coimbatore 641 029.

1 CC to Mrs.Dakshayani Reddy, Advocate SR.No. 39488

W.P.No.23266 of 2015

UG (CO)
PSI (18.08.2015)



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