

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Writ Petition No.4120 of 2015
& M.P.No.1 of 2015

1 B.Jayanthi .. Petitioner

Vs

- 1 The Director of School Education
College Road, Chennai-6
- 2 The Joint Director of School Education (Personnel)
College Road, Chennai- 6
- 3 The District Educational Officer
Sankagiri, Salem District
- 4 The Head Master
Dhadhapuram Higher Secondary School
Idappadi Taluk 637 105
Salem District .. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus directing the respondents herein to forthwith consider and pass orders on the representation dated 25.3.2014 which has been preferred by the petitioner seeking for compassionate appointment in the post of Junior Assistant in Sankagiri Education District, Salem Revenue District.

For Petitioner : Mr.N.Kolandaivelu

For Respondents : Mr.P.Sanjay Gandhi, AGP

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O R D E R

The petitioner is the legal representative of Thiru Balakrishnan, who worked as Junior Assistant in Dhadhapuram Higher Secondary School, Sankagiri. The father of the petitioner died in harness on 13.11.2002, leaving behind the petitioner and her brother. The mother of the petitioner predeceased her father.

2. The petitioner submitted an application for compassionate appointment on 25.11.2003 and 20.07.2006. The third respondent vide proceedings dated 23.07.2007 directed the petitioner to submit Death Certificate, Community Certificate and Service Book of her father. The petitioner duly complied with the said direction. Thereafter, the third respondent by proceedings dated 10.02.2014 called upon the fourth respondent to rectify certain defects and resubmit the proposal. It is the grievance of the petitioner that notwithstanding the compliance of the defects pointed out by the third respondent, follow up action was not taken to consider the application for compassionate appointment.

3. The third respondent in the counter affidavit contended that the petitioner failed to produce the documents pursuant to the proceedings dated 10.02.2014. According to the third respondent, the delay in producing the documents alone contributed for the pendency of application for compassionate appointment.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader on behalf of the respondents.

5. The learned counsel for the petitioner during the course of his submission cited my attention to the letter of the petitioner dated 25.03.2014 enclosing the required documents and forwarding it to the third respondent through the fourth respondent.

6. The fourth respondent is directed to forward the documents submitted by the petitioner along with the representation dated 25.03.2014 to the third respondent. The third respondent in turn is directed to forward the application and the required documents to the first respondent for passing appropriate orders on merits. The first respondent is directed to consider and dispose of the representation submitted by the petitioner dated 25.03.2014 on merits and as per law. Such exercise shall be completed within a period of two months from the date of receipt of proposal from the third respondent.

7. In case the third respondent is of the view that certain documents are yet to be produced by the petitioner, it is open to the said respondent to address a letter to the petitioner and the fourth respondent to produce such documents. In any case, the third respondent should forward the proposal to the first respondent within a period of six weeks from the date of receipt of a copy of this order.

8. The Writ Petition is disposed of with the above direction. No costs. The connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/ True copy /

Sub Assistant Registrar

ajr

To

- 1 The Director of School Education
College Road, Chennai-6
- 2 The Joint Director of School Education (Personnel)
College Road, Chennai- 6
- 3 The District Educational Officer
Sankagiri, Salem District
- 4 The Head Master
Dhadhapuram Higher Secondary School
Idappadi Taluk 637 105
Salem District

+1 cc to Mr.N.Kolandaivelu, Advocate SR.14020

+1 cc to the Government Pleader, High Court, Chennai-104. SR.14222

सत्यमेव जयते W.P.No.4120 of 2015

SK(CO)

JK 25/03/15

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