

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8.10.2015

CORAM:

THE HON'BLE MR.JUSTICE M.JAICHANDREN

WRIT PETITION NO.14729 OF 2012

&

M.P.NO.1 of 2012

S.Manimala

.. Petitioner

vs.

1.The District Educational Officer,
Nagapattinam Dist.

2.The Assistant Elementary Education Officer,
Kollidam, Nagapattinam Dist.

.. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the 1st respondent to appoint the petitioner on compassionate ground to any suitable post based on the petitioner's application in S.I.No.1005/2008 dated 21.7.2008 and subsequent recommendations in S.I.No.1368/2008 dated 22.9.2008 by the 2nd respondent.

For petitioner : M/s.K.M.Vijayan Associates
For respondents : Mr.P.Karthikeyan, G.A.

O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. At this stage of the hearing of the Writ Petition, the learned counsel appearing on behalf of the respondents had submitted that a detailed counter affidavit has been filed by the 2nd respondent, answering the averments made in the affidavit filed in support of the Writ Petition.

3. The relevant portion of the counter affidavit, filed by the 2nd respondent, reads as under:-

"The petitioner Tmt.S.Manimala submitted here application for appointment on compassionate grounds and the second respondent herein recommended the proposals to the District Educational Officer, Mayladuthurai who is the appointing authority. It is

pertinent to note that huge number of applications are pending with the appointing authority. The applications are processed and the eligible candidates are provided appointment as per the date of death of the deceased government servants. Now the dependents of the deceased government servants during the year 1997 are provided with appointment. So the petitioner's request for providing seniority namely cannot be given.

12.It is submitted that District Educational Officer, Mayladuthurai is the appointing authority and the second respondent is having correspondence with the District Educational Officer, Mayladuthurai only. The District Educational Officer, Nagapattinam has nothing to do with the compassionate ground application. The proposals sent vide this office R.C.No.1005/A2/08 dated 10.08.2008 said to be missing in District Educational Office, Mayladuthurai. Efforts are taken to find out the records.

...It is submitted that the petitioner has applied for compassionate grounds appointment within the time limit. The applications are processed based on the date of death of the government servants only. Dependents of deceased government servants expired upto 1997 were provided with appointment on compassionate grounds. The petitioner application has been submitted to the District Educational Officer, Mayladuthurai. The petitioner's application will be considered when her turn comes."

4. In view of the above averments made in the counter affidavit filed on behalf of the 2nd respondent, this Court is of the view that there is no necessity to give a specific direction, to the respondents, as prayed for by the petitioner, at this stage. Hence, the Writ Petition stands closed. No costs. M.P.No.1 of 2012 is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gs.

To

1.The District Educational Officer,
Nagapattinam Dist.

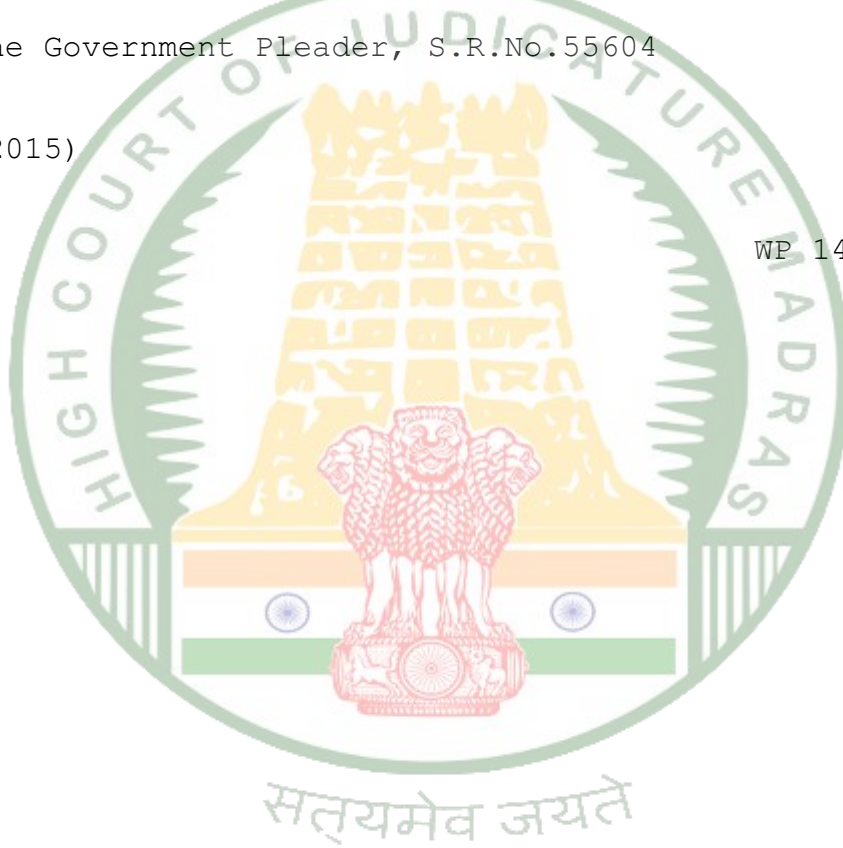
2.The Assistant Elementary Education Officer,
Kollidam, Nagapattinam Dist.

+1cc to M/s. K.M. Vijayan, Advocate, S.R.No.54795

+1cc to the Government Pleader, S.R.No.55604

GJ(CO)
EU(16/10/2015)

WP 14729 of 2012



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