



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.03.2015

Coram

THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU
W.P. (MD) .No.13152 of 2014

A.Sharmiladevi

...Petitioner

vs.

1.The Joint Director of School Education
(Personnel)
Chennai-6.

2.The District Elementary Educational Officer,
Tirunelveli District.

3.The Assistant Elementary Educational Officer,
Kuruvikulam,
Tirunelveli District.

: Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the second respondent in his proceedings O.Mu.No.3045/Aa2/2011 dated 31.07.2012 and quash the same and direct the respondents to give compassionate appointment to the petitioner as per her educational qualification and pass further orders as this Court may deem fit and proper.

For Petitioner :Mr.V.Panneer Selvam
for M/s. C.S.Associates
For Respondents :Mr.V.Muruganandam
Addl.Govt.Pleader

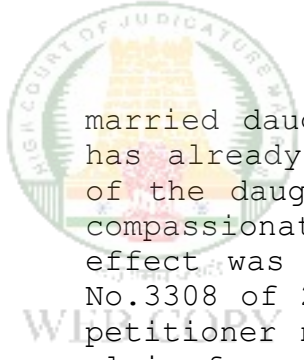
O R D E R

Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2. The petitioner is aggrieved against the order of the second respondent dated 31.07.2012, rejecting her request for compassionate appointment.

3. The petitioner's father was working as Office Assistant and died on 21.08.2001, while he was in service. The petitioner being the only daughter of the deceased, made an application seeking for compassionate appointment. The other legal heir namely the mother of the petitioner has also, through her letter dated 14.03.2004, requested the respondents to give compassionate appointment to the petitioner. However, the petitioner's claim was rejected through the impugned order on the reason that on the date of receiving the proposal for compassionate appointment she was living with her husband and thereafter she got divorce from him on 13.05.2005. An another reason stated in that impugned order is that only the mother has to apply as the legal heir of the deceased employee and not the present petitioner.

4. I fail to understand as to how the above stated reasons can be justified by the respondents. First of all, the issue as to whether the



married daughter is entitled to get the compassionate appointment or not has already been considered and decided to the effect that the marriage of the daughter is not a disqualification for considering her claim for compassionate appointment. The recent decision of this Court to the said effect was made in W.P.(MD)No.180 of 2015 dated 19.01.2015 and W.P(MD) No.3308 of 2015 dated 10.03.2015. Therefore, neither the marriage of the petitioner nor the subsequent divorce can be put against her to deny the claim for compassionate appointment. Insofar as the other reason namely that the mother should have made the application is concerned, it is seen that the mother has already made a request on 14.03.2004 itself requesting the respondents to give compassionate appointment to the petitioner. When that being the factual position, I do not think that the second respondent is justified in rejecting the request of the petitioner on the aforesaid reasons.

5. Accordingly, this writ petition is allowed and the impugned order is set aside and the matter is remitted back to the second respondent to pass orders on the claim of the petitioner seeking for compassionate appointment, if the petitioner otherwise satisfies the requirement for such appointment. Such exercise shall be done by the second respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

TO

1.The Joint Director of School Education
(Personnel)
Chennai-6.

2.The District Elementary Educational Officer,
Tirunelveli District.

3.The Assistant Elementary Educational Officer,
Kuruvikulam,
Tirunelveli District.

+1cc to Special Government Pleader in SR.No. 14830

+1cc to M/s.C.S.Associates, Advocate in SR.No. 15005

sm:09.04.2015:2P/6C

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