



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2015

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition (MD) No.7119 of 2013

S.Amalorpa Ranjith Mary

...Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Kumbakonam,
Thanjavur District.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus in the nature of writ calling for the records of the 2nd respondent in Moo.Mo.10933/2006/A7 dated 01.09.2006 and quash the same as unconstitutional illegal and unlawful and further direct the respondents to provide employment to the petitioner under compassionate ground more particularly within a time frame as may be stipulated by this Honourable Court.

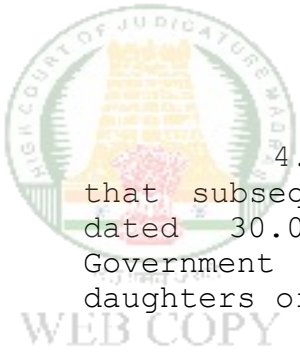
For Petitioner : Mr.J.Pooventhera Rajan
For Respondents : Mr.D.Muruganandam,
Additional Government Pleader.

ORDER

The present writ petition has been filed challenging the order of the second respondent dated 01.09.2006 in refusing to issue combined certificate to the petitioner so as to enable her to seek for appointment on compassionate ground.

2.The petitioner's father was working as Headmaster in the School Education Department and died on 24.05.2004 while he was in service. Therefore, the petitioner, after the death of her father, wanted to seek employment on compassionate ground. For such purpose, she applied before the second respondent to issue combined certificate so as to enable her to seek compassionate appointment before the competent authorities. Such a request was rejected through the impugned order on the reason that the petitioner was a married daughter of the deceased employee and therefore, no such certificate could be issued to the petitioner.

3.It is already settled in various decisions of this Court that marriage of the daughter of the deceased employee cannot stand in the way such daughter in getting an appointment on compassionate ground. In other words, married daughter of the deceased employee is not disqualified from seeking compassionate appointment. When that being the settled position, the second respondent is not justified in rejecting the request of the petitioner for issuance of the combined certificate.



4.Learned Additional Government Pleader also fairly submitted that subsequently two Government Orders were issued in G.O.Ms.No.165, dated 30.08.2010 and G.O.Ms.No.96, dated 18.06.2012 wherein the Government itself has come forward to provide employment to the married daughters of the deceased employee also on compassionate ground.

5.Considering all these facts and circumstances, I am of the view that the petitioner is entitled to succeed in this writ petition. Accordingly, the impugned order is set aside and the writ petition is allowed. Consequently, the second respondent is directed to issue combined certificate to the petitioner so as to enable her to approach the competent authority for compassionate appointment. Such exercise shall be done by the second respondent within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Kumbakonam,
Thanjavur District.

+1CC to M/s.J.Poovendarajan, Advocate in SR.7774
+1CC to the Special Government Pleader in SR.7783

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sms

PBK 24/02/2015 ::2P-5C: