

**THE HON'BLE SRI JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO**

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WRIT APPEAL No.180 of 2015

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P.C.: (Per Justice Dilip B. Bhosale)

This writ appeal is against the order dated 23.04.2014 passed in W.P.No.12721 of 2014 filed by the respondent. By this writ petition, the respondent sought direction to the District Collector, Kurnool (respondent No.3 in the writ petition) to consider his representation for his appointment on compassionate ground without reference to circular memo issued by the Commissioner and Director of School Education (respondent No.2 in the writ petition) in No.35252/SER.G/A1/2011-1 dated 04.12.2013. He also prayed for declaration that the action of the District Collector, Kurnool, in not considering his case for compassionate appointment in terms of G.O.Ms.No.113 Edn. (SE.PS.1) Department dated 06.10.2009, is illegal and arbitrary.

The concluding paragraph of the order passed by the learned Single Judge reads thus:

“In the light of the above, the Writ Petition is disposed of with a direction to the 3rd respondent to consider the representation of the petitioner, said to have been pending before him, without reference to the Circular Memo dated 04.12.2013, and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of six (6) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.”

Though the respondent made reference to the representation, he has not placed a copy thereof on record either before the learned Single Judge or before this Court. He has not even stated the date of the representation. Admittedly, his father, who died in harness, was working in KVN High School, Allagadda, Kurnool District. This aided school was run by the private institution. The averments made in the affidavit in support of the writ petition are absolutely vague insofar as representation

is concerned. It is not clear whether the representation was made to the Collector or to the school authorities and on what date.

In this backdrop, learned counsel for the parties have agreed for the following order:

“The respondent is allowed to make a fresh representation to the school, where his father was working and died in harness, within a period of four weeks from today, with a copy thereof to the competent authority. The school authorities, we hope and trust, shall consider his representation sympathetically and forward the same to the concerned department/ competent authority for approval of his appointment on compassionate ground. It is open to the respondent to place on record such other material, as he thinks fit, in support of his claim of appointment on compassionate ground, with his representation to the school authorities. The competent authority also would consider the respondent’s request in the light of its policy, if any, and issue appropriate direction to the school authorities.”

The writ appeal is accordingly disposed of. All contentions on merits are kept open.

Consequently, miscellaneous petitions, if any, also stand disposed of.

JUSTICE DILIP B. BHOSALE

JUSTICE A. RAMALINGESWARA RAO

9th March, 2015
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