

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.13492 of 2016
and M.P.No.1 of 2016

A.Aruneshwari

...Petitioner

Vs.

1.The Secretary to the Government,
Department of Law and Justice,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The District Judge,
District and Sessions Court,
Tiruvannamalai,
Tiruvannamalai District.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the records
relating to the proceedings in Viduvi No./A/2015 dated 28.01.2015 and
R.O.C.No.610/A/2015 dated 31.03.2015 on the file of the second respondent,
quash the same and direct the second respondent to appoint the petitioner in
the suitable post on compassionate ground.

For Petitioner : Mr.A.Prakash

For Respondents

R1 : Mr.A.Srijayanthi
Special Government Pleader

R2 : Mr.S.Haja Mohideen Gisthi

ORDER

(Order of the Court was made by HULUVADI G. RAMESH,J.)

This writ petition is filed praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Viduvi No./A/2015 dated 28.01.2015 and R.O.C.No.610/A/2015 dated 31.03.2015 on the file of the second respondent, quash the same and direct the second respondent to appoint the petitioner in the suitable post on compassionate ground.

2.Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader for the first respondent and the learned counsel for the second respondent.

3.It appears that the petitioner has submitted an application to the second respondent on 22.09.2010 for appointment on compassionate ground

since her father died while he was in service. Since no action was taken, the petitioner made another application on 04.06.2014. However, the said representation was returned vide the first impugned order dated 28.01.2015 by citing the first application of the petitioner dated 22.09.2010 which is said to have been preferred after three years from the date of the death of her father. Immediately, she submitted a representation to the second respondent by stating that she was a minor on the date of the death of her father and her mother pre-deceased her father. But the second respondent simply rejected her application vide the second impugned order dated 31.03.2015. Hence, the present writ petition has been filed.

4.The learned counsel for the second respondent submitted that as against the order of the learned District Judge, the petitioner should approach this Court by way of an appeal and the writ petition filed by the petitioner is not maintainable in this regard.

5.In such view of the matter, without going into the merits of the matter we are of the view that it would be suffice to direct the petitioner to agitate the matter by filing an appeal before this Court. However, if there is any delay in preferring the appeal, the same may be condoned and the appeal may be entertained for disposal in accordance with law. The petitioner is

directed to file an appeal before this Court against the order of the learned District Judge within a period of fifteen days from the date of receipt of a copy of this order.

6.The Writ Petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

(H.G.R., J.) (M.V.M., J.)
10.06.2016

Index:Yes/No
Internet:Yes/No
cse

To

1.The Secretary to the Government,
Department of Law and Justice,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The District Judge,
District and Sessions Court,
Tiruvannamalai,
Tiruvannamalai District.

HULUVADI G. RAMESH,J.
and
M.V.MURALIDARAN,J.

cse

W.P.No.13492 of 2016
and M.P.No.1 of 2016

10.06.2016