

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.11.2016
CORAM:
THE HONOURABLE MR.JUSTICE R.SUBBIAH
W.P.No.5219 of 2015

R.Rajasekar

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by its Secretary,
Education Department,
Secretariat, Chennai-600 009.
 2. The Director,
School Education Department,
DPI Campus, Chennai.
 3. The Chief Educational Officer,
School Education Department,
Salem.
 4. The District Educational Officer,
Salem.
 5. The Head Master,
Government Higher Secondary School,
Malliyakarai, Attur Taluk,
Salem District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation, dated 28.01.2015 and pass appropriate orders relating to the appointment on the compassionate grounds.

For Petitioner : Mr.R.Ezhilarasan
For Respondents : Mr.K.Dhananjayan, Spl.G.P.

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation, dated 28.01.2015 and pass appropriate orders relating to the appointment on the compassionate grounds.

2. It is the case of the petitioner that his father, who was a regular employee, was working as Secondary Grade Assistant in Government Higher Secondary School, Malliyakarai, Attur Taluk, Salem District. He died on 10.03.1996 while in service, leaving the petitioner and others as his legal heirs. Thereafter, the petitioner approached the respondents for appointment on compassionate grounds by furnishing all particulars with consent and no objection from the other legal heirs. The representation of the petitioner had been forwarded by the fifth respondent to the second respondent in the year 1998. The fourth respondent returned his application to the fifth respondent by proceedings dated 19.09.2005 stating that the Government has temporarily banned the compassionate appointment and after removal of ban, his representation would be sent afresh and the same will be considered later. Subsequently, inspite of several representations to the fifth respondent, the fifth respondent gave evasive reply. During the last academic year, the petitioner came to know that the fifth respondent has intimated to the Government that there is no application for consideration of compassionate appointment. Thereafter, the petitioner sent a representation, dated 28.01.2015 to the respondents to consider his application for compassionate appointment. Since no action has been taken, the petitioner has filed the present Writ Petition for the above relief.

3. When the Writ Petition is taken up for hearing, learned Special Government Pleader appearing for the respondents submitted that if a specified time limit is given to the respondents, the said representation would be considered in accordance with law.

4. Accordingly, without going into the merits of the case, this Court directs the respondents to consider the said representation of the petitioner, dated 28.01.2015 and pass appropriate orders, on merits and in accordance with law, with regard to the appointment of the petitioner on compassionate grounds, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents to consider the same at the time of disposing of the said representation.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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Copy to

1. Secretary,
Education Department,
Secretariat, Chennai-600 009.
2. The Director,
School Education Department,
DPI Campus, Chennai.
3. The Chief Educational Officer,
School Education Department,
Salem.
4. The District Educational Officer, Salem.
5. The Head Master,
Government Higher Secondary School,
Malliyakarai, Attur Taluk,
Salem District.

+1 cc to Mr.R.Ezhilarasan Advocate sr 67977
+1 cc to Government Pleader vide sr 68357

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gj(co)
aa19/12/2016