

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.12.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.42404 of 2016

K.Senthilkumar

... Petitioner

Vs

- 1 The Director of School
Education D.P.I. Complex (Employment
Division) Chennai 600 006.
 - 2 The Joint Director of School
Education D.P.I. Complex (Employment
Division) Chennai 600 006.
 - 3 The District Education
Officer Cheyyar Tiruvannamalai District.
 - 4 The Assistant Education
officer vandavasi Tiruvannamalai District.
 - 5 The Head Master
Panchayat Union Middle School Thennangoor
and Post Vandavasi Taluk Tiruvannamalai
District.
- ... Respondents.

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the first respondent to consider and pass order on the representation dated 7.9.2016 with regard to compassionate appointment to the petitioner in the Education Department or in any one of the suitable post.

For Petitioner : Mr.R.Chandrasekaran
For Respondents : Mr.V.Anandhamoorthy,
Addl. Govt. Pleader (Edn)

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider and pass orders on the representation dated 7.9.2016 with regard to compassionate appointment in the Education Department, in any one of the suitable post.

3. It is the case of the petitioner that his father T.S.Kannabiran was working as Elementary Teacher in the Panchayat Union Middle School, Thennangoor and he died on 5.1.1996, while in service. After the death of his father, his mother submitted a representation on 5.2.1996 seeking appointment on compassionate grounds. But, no action has been taken so far. Subsequently, on 20.7.2000, the second respondent has given a reply stating that the petitioner has elder sister and brother and they are having requisite qualification. However, no one has objected to give employment to the petitioner and all of them have given no objection certificate to the respondents. Hence, the petitioner is fully eligible to get appointment on compassionate grounds. Again, he has given an application on 14.2.2001 to the third respondent, who in turn, forwarded the same to the second respondent. Thereafter, on 30.8.2012, the second respondent sent a letter to the petitioner to attend the meeting for compassionate appointment and the petitioner has also attended the enquiry on 30.8.2012. On 4.9.2012, the second respondent directed the petitioner to furnish all the relevant documents, pursuant to which, the petitioner has also submitted an application on 6.9.2012 along with necessary documents. But, the same was also not considered. Finally, he has given a representation dated 7.9.2016 to the respondents and the same was also not considered. Hence, left with no other alternative, the petitioner has come forward with the present petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader (Education), who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the first respondent to consider the representation of the petitioner dated 7.9.2016 seeking appointment on compassionate grounds and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

- 1 The Director of School
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Division) Chennai 600 006.
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+1 cc to M/s.R.Chandrasekaran Advocate sr71158

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