

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.5221 of 2016

R. Vivek

.... Petitioner

v.

1. The State of Tamil Nadu
rep by Secretary to Government,
Education Department,
Secretariat,
Chennai - 600 009
2. The Director of School Education,
College Road,
Nungambakkam.
Chennai - 600 006
3. The District Elementary Educational Officer,
Salem District,
Salem

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the claim of the petitioner's representation for appointment on compassionate grounds, consequent on the death of his mother Tmt. Govindammal on 06.10.2005, while serving as Secondary Grade Teacher in Panchayat Union Elementary School, Valayachettipalayam, Salem District and pass appropriate orders thereon on merits and in accordance with law, within a limited time frame.

For Petitioner : Mr.M. Ravi

For Respondents : Mr.R. Vijayakumar
Additional Government Pleader

ORDER

The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the respondents to consider the claim of the petitioner's representation for appointment on compassionate grounds, consequent on the death of his mother Tmt. Govindammal on 06.10.2005, while serving as Secondary Grade Teacher in Panchayat Union Elementary School, Valayachettipalayam, Salem District and pass

appropriate orders thereon on merits and in accordance with law, within a limited time frame.

2. It is the case of the petitioner that his mother was working as Secondary Grade Teacher in Panchayat Union Elementary School in Valayapattipalayam, Sankagiri Taluk, Salem District. On 06.10.2005, the petitioner lost both his parents on the same day and he was 11 years old in the year 2005.

3. The petitioner successfully acquired SSLC and High Secondary qualifications. Since the petitioner was literally struggling for survival, he had applied for appointment on compassionate grounds, on attaining the age of 18 years. He preferred a representation dated 21.09.2012 to the third respondent, seeking appointment on compassionate grounds, along with required certificates.

4. The learned counsel for the petitioner submitted that the petitioner also made a representation dated 05.05.2014 to the respondents and also submitted that the respondent may be directed to consider the petitioner's representation in the light of the judgment of the Hon'ble Supreme Court in Civil Appeal Nos.2039 of 2006 dated 30.03.2010 and pass orders within a stipulated time.

5. Mr.R. Vijayakumar, learned Additional Government Pleader, taking notice for the respondents, submitted that the respondents may be directed to consider the representation of the petitioner dated 05.05.2014 in the light of the judgment of the Hon'ble Supreme Court.

6. Having regard to the submissions made by the learned counsel on either side and taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, I direct the respondents to consider the petitioner's representation dated 05.05.2014 in the light of the judgment of the Hon'ble Supreme Court in Civil Appeal Nos.2039 of 2006 dated 30.03.2010 and pass 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.

7. With the above observation, the writ petition is disposed of. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sr

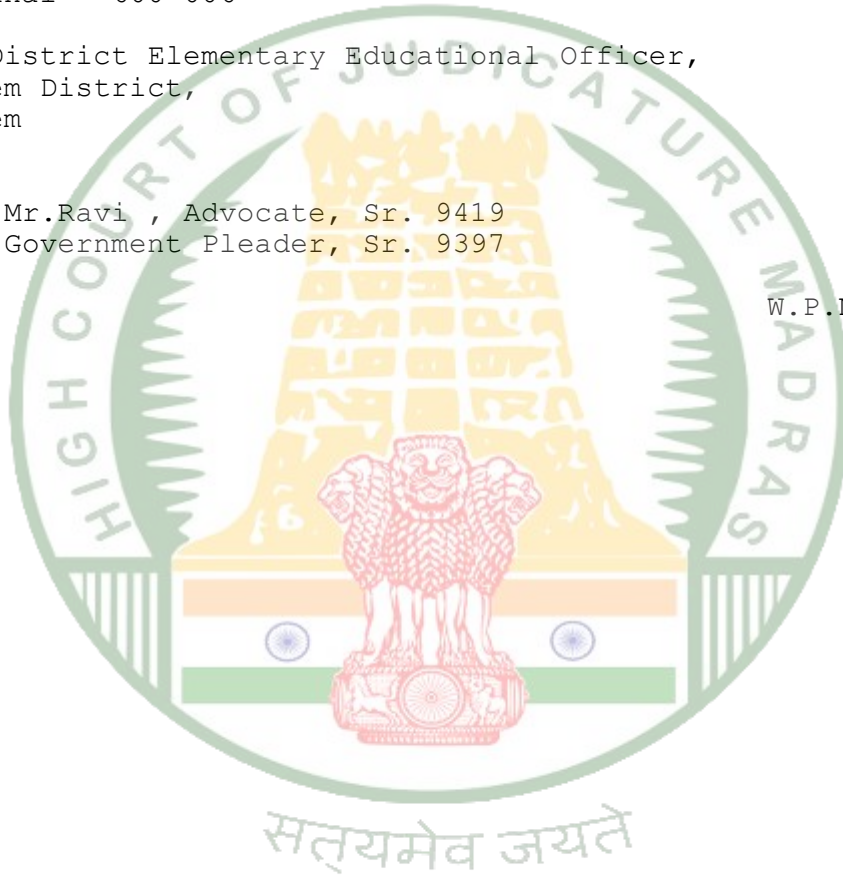
To

1. The Secretary to Government,
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2. The Director of School Education,
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Chennai - 600 006
3. The District Elementary Educational Officer,
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Salem

1 cc to Mr.Ravi , Advocate, Sr. 9419
1 cc to Government Pleader, Sr. 9397

W.P.No.5221 of 2016

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