



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

C O R A M

WEB COPY

THE HONOURABLE Dr.JUSTICE **S.VIMALA**

Writ Petition (MD) No.23616 of 2016
and
W.M.P. (MD) No.16979 of 2016

D.Tamil Priya

.. Petitioner

Vs.

1.The Principal Secretary,
School Education Department (Tamil Nadu),
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director of Education,
D.P.I. Campus, College Road,
Chennai - 600 009.

3.The District Collector,
District Collector's Office,
Trichy - 620 001.

4.The Chief Educational Officer,
Madurai Road, Trichy - 620 001.

5.The District Educational Officer,
Musiri - 621 211, Trichy District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceeding of the 5th respondent herein passed in Na.Ka.No.335/A1/2013 dated 31.07.2013 and quash the same and consequently direct the 1st respondent herein to provide appointment suitable for the petitioners qualification on compassionate grounds in the School education department to the petitioner herein.

For petitioner

... Mr.M.Deivanandam

For Respondents

... Mr.T.S.Mohammed Mohideen

Additional Government Pleader



O R D E R

The claim of appointment on compassionate ground has been rejected by the respondents on the ground that the petitioner is a married daughter. This order is under challenge in this writ petition.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The facts leading to the filing of the writ petition run as under:-

The petitioner's father died on 14.11.2011 due to heart attack while he was in service leaving behind his wife and the petitioner herein. Hence the petitioner has given an application on 30.01.2012 seeking compassionate appointment. The said application was rejected on the ground that the petitioner is a married daughter of the deceased employee, by the impugned order dated 31.07.2013. Thereafter, the petitioner approached the Special Cell of the Hon'ble Chief Minister of Tamil Nadu vide representation dated 01.02.2016 seeking compassionate appointment in the school education department, as her husband is also not having a permanent job. As there was no response, once again the petitioner has given a representation dated 14.10.2016 to the respondents. Since the same has not been considered, the petitioner has filed the present writ petition.

4. It is settled position that married daughters are also eligible to be considered for appointment on compassionate ground. In the decisions of this Court in **R. Govindammal v. The Principal Secretary, Social Welfare and Nutritious meal Programme Department, Chennai and Others** reported in 2015(3) LW 756 and in **M. Indra v. Director, Institute of Mental Health, Kilpauk, Chennai** reported in 2016(5) MLJ 178, it has been held that the condition imposed stating that the daughter should be unmarried to claim compassionate appointment, was held to be arbitrary and violative of Articles 14, 15(1) and 16(2) of the Constitution of India. The dictum laid down in the said two Judgments has been followed in the subsequent decisions of this Court.

5. Under such circumstances, the impugned order passed by the fifth respondent, dated 31.07.2013 is set aside and the respondent is directed to provide appointment to the petitioner on compassionate ground, subject to suitability and also the educational qualification of the petitioner, within a period of four weeks from the date of receipt of a copy of this order.



6.The writ petition is allowed on the above terms. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Principal Secretary,
School Education Department (Tamil Nadu),
Secretariat, Fort St.George,
Chennai - 600 009.

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+1 cc to M/s.M.Deivanandam, Advocate in SR.No.78387

rj2

CSL/CM-MSA/17.02.2017 :3P/7C

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