



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2016

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.3639 of 2016

and

W.M.P(MD)No.3257 of 2016

K.Vasantharani

... Petitioner

Vs.

The District Educational Officer,
Karur, Karur District.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of Respondent made in Na.Ka.No.2437/A1/2015 dated 18.06.2015 and quash the same and consequently directing the respondent to grant compassionate appointment to the petitioner.

For Petitioner : Mr.K.Govindarajan
For Respondent : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

ORDER

Challenging the proceedings of the respondent dated 18.06.2015 declining to provide a suitable post to the petitioner on compassionate grounds, the present writ petition has been filed.

2.Heard the learned counsel for the petitioner. Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader takes notice for the respondent.

3.The petitioner's husband who was working as Post Graduate Teacher in Kulithalai Government Higher Secondary School, died in harness way back on 12.08.2011. There seems to be litigation between the legal heirs namely, the mother of the deceased and the wife-the petitioner herein with respect to the properties. A suit came to be filed by the mother in law of the petitioner in O.S.No.89 of 2011 on 14.11.2011. The said suit was compromised on 28.08.2014. The case of the petitioner is that since the said suit was pending, she could not apply for appointment on compassionate grounds. It is further stated that even provident fund, gratuity and other terminal benefits have been added as schedule of the property in the suit. Therefore, she could not approach the authorities for appointment on compassionate grounds. However, the respondent had rejected the application on 18.06.2015 as the same has been applied beyond the period of three years.



3. Admittedly, the application seeking appointment under compassionate grounds ought to have been filed within three years from the date of death of a person. In this case, the husband of the petitioner died on 12.08.2011 which enables the petitioner to apply for appointment on or before 11.08.2014. However, the application has been made by the petitioner only on 01.04.2015 due to the pendency of the civil litigation between the petitioner and her mother in law.

4. Though the learned counsel for the petitioner persuaded this Court to accept that the compassionate appointment could be considered sympathetically when the Government Order specifically enables the authorities to consider any application to receive only within the period of three years, the same cannot be relaxed for the sake of the petitioner. Therefore, the authorities were right in rejecting the application and there is no reason to interfere with the same. Accordingly, the writ petition is dismissed. No costs. Consequently, W.M.P (MD) No.3257 of 2016 is closed.

Sd/-

Assistant Registrar(record)

/True copy/

Sub Assistant Registrar

To
The District Educational Officer,
Karur, Karur District.

+1cc to the special Government Pleader SR.No.11283
+1cc to Mr.K.Govindarajan, Advocate SR.No.10839

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