



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.03.2016

CORAM:

WEB COPY THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.5194 of 2016
and
W.M.P (MD) Nos.4649 & 4650 of 2016

M.Bharathi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.The Director of Elementary Education,
College Road, Chennai - 600 006.

3.The District Elementary Educational Officer,
Sethurampillai Colony, Trichy District.

4.The Additional Assistant Elementary
Educational Officer, Thathaiyangarpettai,
Trichy District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the third respondent District Elementary Educational Officer in Mu.Mu.No.6072/A1/2015, dated 18.12.2015, quash the same and further direct the respondents to give compassionate appointment to the petitioner.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

ORDER

The Writ Petition is filed challenging the order passed by the third respondent rejecting the request for appointment of the petitioner on compassionate ground vide proceedings in Mu.Mu.No.6072/A1/2015, dated 18.12.2015,

<https://hcservices.ecourts.gov.in/hcservices/>

2. The case of the petitioner is that her father died in



harness on 26.09.2012 as Secondary Grade Teacher in Panchayat Union Primary School, Neeliampatti, Thathaiyangarpettai Union, leaving behind his wife and the petitioner herein, who is the daughter. The petitioner was married to one Andress David Prabhu on 24.08.2009. As the mother of the petitioner was also not in a position to take employment, the petitioner submitted an application before the third respondent on 11.09.2015 through proper channel, seeking an employment on compassionate ground. The fourth respondent had also forwarded the request of the petitioner to the third respondent. The request of the petitioner was declined on the ground that the petitioner was married during the lifetime of her father and therefore, she is not entitled to employment on compassionate ground. The said order was passed on 18.12.2015, which is now challenged in this Writ Petition.

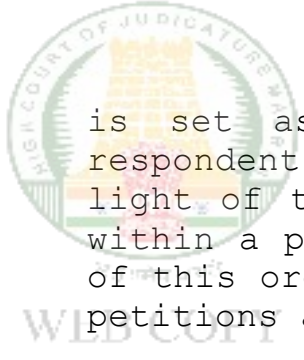
3. The learned counsel for the petitioner contends that as per G.O.Ms.No.165(Labour and Employment(Q2) Department, dated 30.08.2010 and also G.O.Ms.No.96(Labour and Employment(Q1) Department, dated 18.06.2012, permits the married daughter of the deceased employee also to get compassionate appointment. Though based on the said G.Os, the petitioner had made representation on 05.01.2016 before the third respondent, there was no response for the same. He further submitted that the judgment of the Honourable Apex Court in **Shreejith vs. Deputy Director(Education) Kerala and others** reported in **(2012) 7 SCC 248**, which also cleared that even married daughters are also entitled for compassionate appointment and therefore, the impugned order is liable to be set aside.

4. The learned Additional Government Pleader also fairly concedes that the petitioner is entitled for appointment on compassionate ground if otherwise she fulfills the conditions.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the materials available on record.

6. As rightly contended by the learned counsel for the petitioner in the affidavit that after the demise of her father, the family of the petitioner was in penury and that the petitioner's husband is also unwell and unable to take up any employment. Therefore, the financial strain of the petitioner also to be considered while passing the order on compassionate appointment. Admittedly, there is no discrimination between the married son and married daughter. Therefore, the petitioner is entitled for employment on compassionate ground, if she fulfills all the conditions.

<https://hcservices.ecourts.gov.in/hcservices/> result, the Writ Petition is allowed and the impugned order, dated 18.12.2015 passed by the third respondent,



is set aside and the matter is remitted back to the third respondent to consider the case of the petitioner afresh in the light of the judgment reported in **(2012) 7 SCC 248(cited supra)**, within a period of eight weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1.The Secretary, State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.The Director of Elementary Education,
College Road, Chennai - 600 006.

3.The District Elementary Educational Officer,
Sethurampillai Colony, Trichy District.

4.The Additional Assistant Elementary
Educational Officer, Thathaiyangarpettai, Trichy District.

+one cc to M/s.Xavier Rajini, Advocate in SR.No.14621

+one cc to The Special Government Pleader in SR.No. 14946

pm

CSL/JGB-DP/23.03.2016 :3p/7c

W.P(MD)No.5194 of 2016

15.03.2016