

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2017

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The Honourable **Mr.Justice HULUVADI G.RAMESH,**

**and**

The Honourable **Dr.Justice S.VIMALA**

**W.A.NO.32 of 2017 &**  
**C.M.P.No.511 of 2017**

1. The Director of School Education,  
College Road, Nungambakkam,  
Chennai-600 006.

2. The District Educational Officer,  
Villupuram,  
Villupuram District.

.. Appellant

versus

A.Uma Rani

.. Respondent

For Appellant : Mrs.A.Srijayanthi, Spl.G.P.

For Respondent : Mr.K.Muthukannu

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent,  
against the order of the learned single Judge dated 14.07.2015 in  
W.P.No.21079 of 2015.

**JUDGMENT**

(Judgment of the Court was made by  
HULUVADI G. RAMESH, J.)

This Writ Appeal has been directed against the order of the learned single Judge dated 14.7.2015 in W.P.No.21079 of 2015, directing the appellants herein, to provide compassionate appointment to the respondent, without reference to her marital status.

2. It appears that the respondent applied for providing appointment on compassionate grounds since her father died in harness while working as Laboratory Assistant in Government Higher Secondary School, Nainarpalayam. As the claim of the respondent was rejected, the respondent approached this Court. The rejection was on the ground that no change of nomination is permitted and that G.O.Ms.No.165 dated 30.08.2010 would have effect from the date of issuance of Government order and since the father of the respondent died on 21.02.2007, the said G.O. namely, 165 dated 30.8.2010 is not applicable to the respondent.

3. After advertent to the rival submissions, while referring to the earlier order of this Court in W.P.No.20437 of 2015 dated 09.07.2015, wherein, the G.O.Ms.No.96 dated 18.6.2012 was set aside, quashing the fixation of 29.11.2001 as cut off date for married daughters to claim compassionate, the learned Judge held that the compassionate appointment cannot be denied on the ground that the incumbent is a married woman and while quashing the impugned order passed by the authorities, allowed the Writ Petition and directed the authorities to provide compassionate appointment to her without reference to marriage. The said order was challenged in this appeal.

4. This Court, time and again, held that marriage is not a disqualification for the daughter to get appointed on compassionate grounds. As such, we do not find any infirmity in the order passed by the learned Judge.

5. However, the learned Special Government Pleader would submit that since the respondent already married and after she being provided with employment on compassionate grounds,

if she does not maintain the family of the deceased employee, the very purpose of providing employment on compassionate grounds, would be defeated. This aspect of the matter can be considered by the authorities by imposing it a condition in the proceedings of appointment itself, to take care of the family of the deceased.

Accordingly, the Writ Appeal fails and the same is dismissed. The authorities are directed to provide employment to the respondent on compassionate grounds within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected CMP is closed.

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(H.G.R.,J.) (S.V.,J.)  
21.04.2017

To

1. The Director of School Education,  
College Road, Nungambakkam,  
Chennai-600 006.

2. The District Educational Officer,  
Villupuram,  
Villupuram District.

HULUVADI G.RAMESH, J.  
and  
DR.S.VIMALA, J.  
suk

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