

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.6.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.653 of 2017
and
C.M.P.No.9110 of 2017

T.Bhuvanashankari Appellant/Petitioner

Versus

- 1 The State of Tamil Nadu
Rep. by its Secretary
School Education Department
Fort St. George Chennai- 600 009.
- 2 The Director of School Education
D.P.I Compound College Road
Nungambakkam Chennai - 600 006.
- 3 The Chief Educational officer
Salem - 636 001. Respondents/Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 10.4.2017 in W.P.No.8461 of 2017 on the file of this court.

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to forthwith consider and pass orders on the application of the petitioner dated 10.3.17 for compassionate appointment.

For appellant : Mr.K.Selvaraj

For respondents : Mrs.A.Srijayanthi,
Special Govt. Pleader

JUDGMENT

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

Heard the learned counsel appearing for the appellant and Mrs.A.Srijayanthi, learned Special Government Pleader, who takes notice on behalf of the respondents.

2. It appears that the appellant/writ petitioner had sought for appointment on compassionate grounds on the death of her mother, who was working as P.G.Assistant and filed the writ petition since her claim was not considered by the authorities. The learned Single Judge dismissed the writ petition mainly on the ground that her father is employed and his income certificate is also not produced.

3. Now, in the writ appeal, the appellant/writ petitioner, by filing a miscellaneous petition in C.M.P.No.9110 of 2017, seeks to file the income certificate he obtained subsequent to the order passed in the writ petition, as additional document for consideration.

4. In view of the facts and circumstances of the case, we are inclined to allow the petition seeking to file additional document and accordingly, it is ordered.

5. A perusal of the copy of the income certificate now produced by way of additional document, reveals that the father of the appellant/writ petitioner is earning about Rs.4000/- per month on some temporary employment. Therefore, it cannot be disputed that the family of the appellant/petitioner is in a very poor condition. The plea of the appellant/writ petitioner is that his father's earning, by way of temporary employment with a very meager income of Rs.4000/- per month, is not sufficient for subsistence of the family and therefore, her claim of appointment on compassionate grounds is entitled to be considered.

6. Having heard the learned Special Government Pleader, who is directed to take notice, we are of the view that it is for the respondents to consider the case of the petitioner taking into consideration the income certificate and to do the needful in accordance with law if the petitioner is, otherwise, found eligible for seeking appointment. The order passed by the learned Single Judge is set aside. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ssk.

To:

- 1 The Secretary
The State of Tamil Nadu
School Education Department
Fort St. George Chennai- 600 009.
- 2 The Director of School Education
D.P.I Compound College Road
Nungambakkam Chennai - 600 006.
- 3 The Chief Educational officer
Salem - 636 001.

+1cc to Mr.K.Selvaraj,Advocate sr.43593

+1cc to Government Pleader sr.44868

W.A.No.653 of 2017

vgII(co)
ss(7/7/2017)



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