

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.10.2017

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THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.27065 of 2017 and

WMP.No.28882 of 2017

C.Velu

...Petitioner

Versus

1. The Secretary to the Government,
Labour and Employment Department,
Fort St. George, Secretariat,
Chennai-9.

2. The Collector,
Tiruvannamalai.

3. The Tahsildar,
Chengam Taluk,
Tiruvannamalai District.

4. C.Pattu Samy

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent in Letter (Ms) No.34, dated 16.4.2002 and the Proceedings of the 2nd respondent in Proceedings No.Na.Ka.A3/789/2015 dated 16.12.2016 and quash the same and further direct the 2nd respondent to appoint the petitioner as Village Administrative Officer on compassionate appointment.

For Petitioner : Mr.K.V.Sajeev Kumar

For Respondents : Mr.V.Jayaprakash Narayanan,
1 to 3 Special Government Pleader

O R D E R

Challenging the Letter (Ms) No.34, dated 16.4.2002 of the 1st respondent and the Proceedings of the 2nd respondent in No.Na.Ka.A3/789/2015 dated 16.12.2016 and for quashing the same and further seeking a consequential relief by directing the 2nd respondent to appoint the petitioner as Village Administrative Officer on compassionate appointment, the present Writ Petition has been filed.

2. According to the petitioner, he is the son of the second wife of late Chinna Thambi, who died on 19.03.2016, while serving as Village Assistant in the 2nd respondent office. After the death of his father, the petitioner made several representations to the 2nd respondent seeking compassionate appointment, however, the same has not been considered on the ground that the petitioner is the son of the second wife of the late Chinna Thambi. In the meantime, the 2nd respondent in consultation with the 3rd respondent and upon recommendation made by the 3rd respondent, has appointed the 4th respondent as Office Assistant in the office of the 1st respondent which is 10(A)(1) appointment. The grievance of the petitioner is that his father has got two wives and the 4th respondent is his father's first wife son. While so, in so far as giving compassionate appointment is concerned, there will not be any differentiation among the children of his father's two wives. Hence the present Writ Petition.

3. Learned Counsel for the petitioner submitted that the petitioner, who is the son of the late Chinna Thambi born through his 2nd wife Chinna Pappa, has got better qualification than the 4th respondent, who is the son of the late China Thambi, born through his first wife. The learned Counsel further submitted that the petitioner has passed Higher Secondary Examination whereas the 4th respondent has not even passed X Standard. Therefore, the respondents 2 and 3 should have considered the petitioner in the place of the 4th respondent for Office Assistant.

4. Learned Special Government Pleader appearing for the respondents submitted that for appointment to the post of Office Assistant, the requisite qualification is 8th pass. Accordingly, the respondents 2 and 3 have considered the qualification of the 4th respondent and though it fit to appoint him. Therefore, the petitioner cannot have any grievance on the same.

5. Considering the above facts and circumstances of the matter and when especially the fact remains that for appointment of Office Assistant in the office of the 1st respondent, the minimum qualification required is VIII fail only, the petitioner cannot dispute the same on the ground that he has possessed higher qualification than the 4th respondent and the respondents 2 and 3 are differentiating the children of the deceased Chinna Thambi as the children of first wife and second wife respectively. Therefore, I do not find any infirmity in the appointment order issued to the 4th respondent.

6. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

-s/d-

Assistant Registrar

True Copy

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To

1. The Secretary to the Government,
Labour and Employment Department,
Fort St. George, Secretariat,
Chennai-9.

2. The Collector,
Tiruvannamalai.

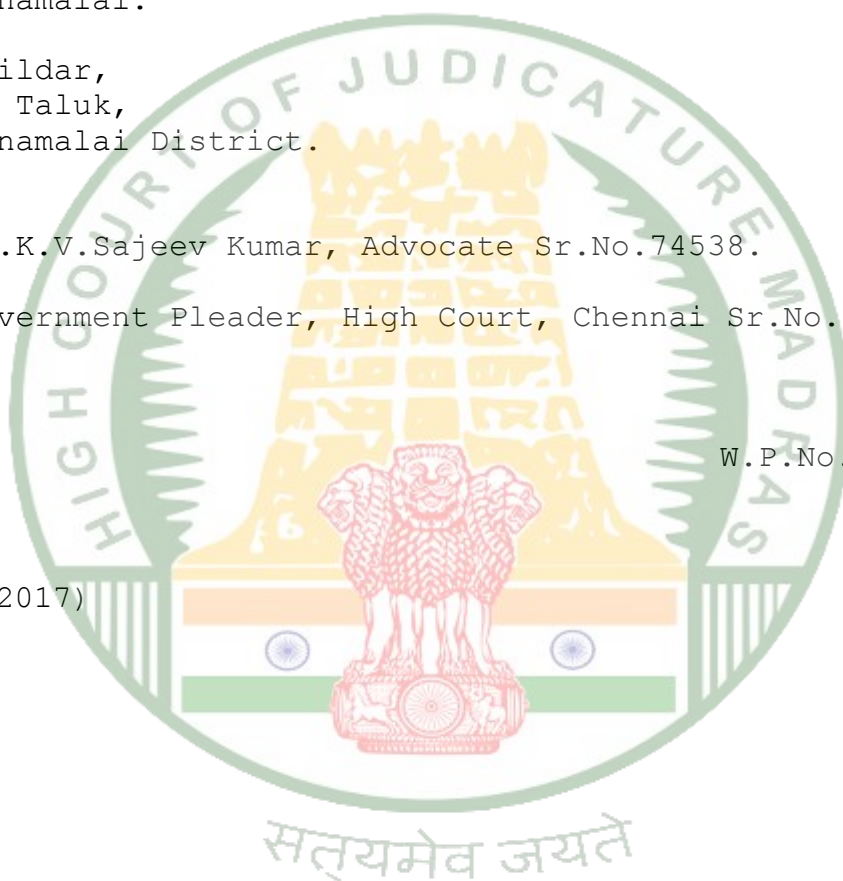
3. The Tahsildar,
Chengam Taluk,
Tiruvannamalai District.

+1 CC to Mr.K.V.Sajeev Kumar, Advocate Sr.No.74538.

+1 CC to Government Pleader, High Court, Chennai Sr.No.75299.

GMI (CO)
KP (21.11.2017)

W.P.No.27065 of 2017



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