

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2017

CORAM

THE HON'BLE Mr.JUSTICE V.PARTHIBAN

W.P.No.18819 of 2014

P.Krishna Kumar

... Petitioner

Vs.

1.The Director of School Education,
D.P.I.Office, College Road, Chennai-6.

2.The District Educational Officer,
Sangagiri, Salem District.

3.The Head Master,
Government High School,
Pakkanadu, Aadaiyur,
Salem District.

...Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, to direct the second respondent to forward the proposal to the first respondent for compassionate appointment of the petitioner and appoint him in third respondent's school.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.R.A.S.Senthilvel,
Additional Government pleader

O R D E R

Heard Mr.R.Subramanian, learned counsel for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader, appearing for the respondents.

2. The petitioner has approached this Court for seeking the following relief,

"To issue a Writ of Mandamus, to direct the second respondent to forward the proposal to the first respondent for compassionate appointment of the petitioner and appoint him in third respondent's school."

3.The case of the petitioner is as follows:

The petitioner's father was working as a Secondary Grade Teacher in third respondent's school. He died on 17.09.2002, while in service, leaving behind the petitioner and his mother, sister and his grand mother as legal representatives.

4. According to the petitioner, his father was the only employed person of the family and no one in the family was in employment after the death of his father. The petitioner submitted his application on 13.09.2005, to the third respondent for considering him for compassionate appointment. According to the petitioner, all the necessary documents were enclosed. After the submission of the petitioner's application, the petitioner approached the third respondent, but there was no prompt action forth coming. After passage of considerable time, the petitioner once again directed to submit his documents and application for the purpose of sending the proposal to the first and second respondents, for consideration of his claim for compassionate appointment.

5. The petitioner had once again responded to the direction of the third respondent and re-submitted whatever documents required for compassionate appointment in the year 2013. There was no action forth coming towards the consideration of his claim for compassionate appointment. In the said circumstances, the petitioner is before this Court, seeking the relief as stated supra.

6. Upon notice, the learned Additional Government pleader entered appearance and filed a detailed counter affidavit. In the counter affidavit, in one paragraph, it is clearly stated that the proposal seeking for compassionate appointment for the petitioner is already been submitted to the first respondent through the second respondent in Na.ka.No.5414/A1/2013, dated 31.07.2014, and final decision is yet to be taken in the matter.

7. In view of the categoric submission has found in the counter affidavit, this Court feels that direction shall be issued to the first respondent to take final decision in the matter on the proposal said to have been submitted by the second and third respondent to the first respondent, within a time frame.

8. In view of the same, the first respondent is directed to take a decision on the proposal submitted by the second respondent in Na.ka.No.5414/A1/2013, dated 31.07.2014, for granting compassionate appointment for the petitioner in any suitable post in third respondent's school, in terms of the scheme which governed such appointment, within a period of two months from the date of receipt of a copy of this order. Hence the writ petition is disposed of, on the above terms. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Director of School Education,
D.P.I.Office, College Road,
Chennai-6.

2.The District Educational Officer,
Sangagiri,
Salem District.

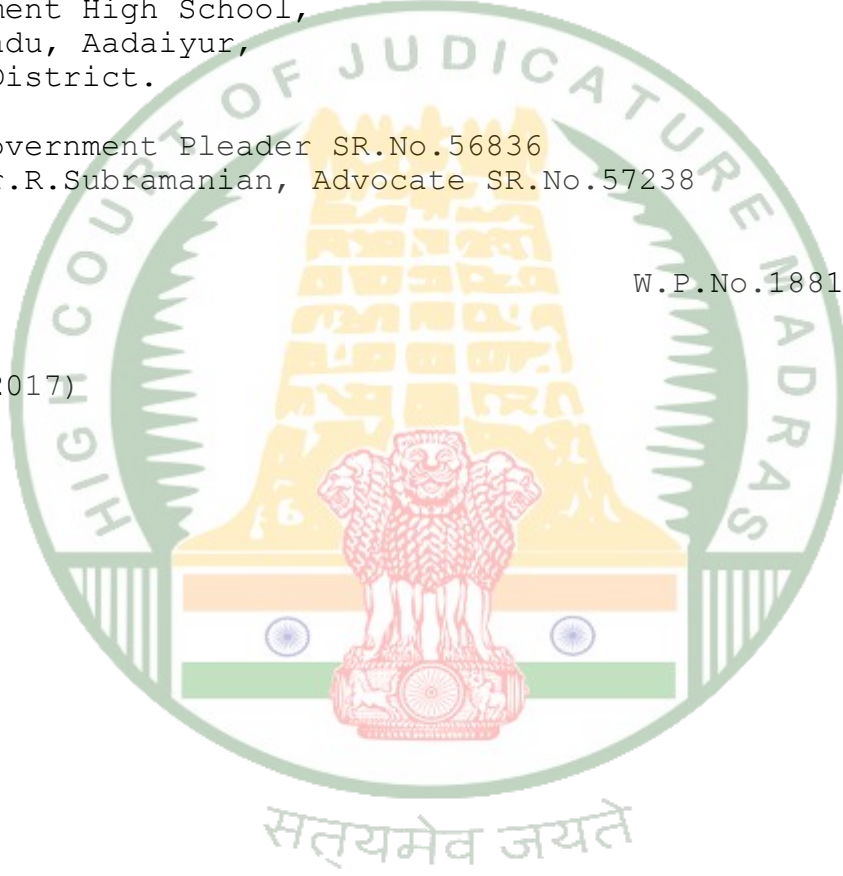
3.The Head Master,
Government High School,
Pakkanadu, Aadaiyur,
Salem District.

+1cc to Government Pleader SR.No.56836

+1cc to Mr.R.Subramanian, Advocate SR.No.57238

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GN(14/09/2017)



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