



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD) No.29 of 2015
and
M.P. (MD) No.1 of 2015

1. The Director of Elementary Education,
Chennai -6.
 2. The District Elementary Educational Officer,
Trichirappalli,
 3. The Additional Assistant Elementary Educational Officer,
Lalgudi, Trichirappalli District. .. Appellants/Respondents
- Vs.**

A.Josephine Shanthi .. Respondent/Petitioner

PRAYER: Petition filed under Clause 15 of Letters Patent Act, to set aside the order dated 16.10.2014 in W.P.(MD).No.514 of 2012 and allow the writ appeal.

Prayer in WP(MD) . 514/ 2012 :

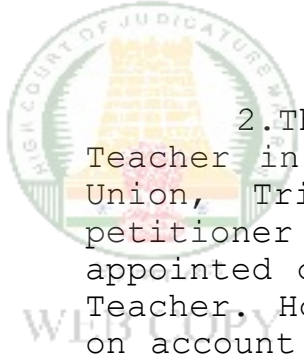
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Mandamus, directing the respondents to regularize the petitioners service and confer all the consequential benefits such as Annual Increment, Selection Grade etc., and pass such further or other orders as may deem fit.

For Appellants	: Mr.T.S.Mohammed Mohideen, Additional Government Pleader
For Respondent	: Mr.V.Pannerselvam, for M/s CS Associates

JUDGMENT

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

This writ appeal is directed against the order dated 16.10.2014 made in W.P.(MD).No.514 of 2012 filed by the respondent herein.



2.The respondent's mother was working as a Secondary Grade Teacher in Panchayat Union Elementary School, Sriuthaiyur, Lalgudi Union, Trichy District. She died while in service. The writ petitioner applied for compassionate appointment and she was appointed on compassionate grounds on 23.02.1996 as Secondary Grade Teacher. However her yearly increment was not sanctioned. This was on account of non regularisation of her service. Therefore the writ petitioner represented to the authorities.

3.The authorities took the stand that the writ petitioner did not apply for compassionate appointment within three years from the date of death of her mother and that therefore appointing her was irregular. On this ground, the writ petitioner's service was not regularised. Hence the writ petitioner filed W.P.(MD).No.514 of 2012.

4.The learned single Judge allowed the writ petition and directed regularisation of the writ petitioner's service with all consequential and monetary benefits. The said order is under challenge in this writ appeal.

5.It is is not in dispute that the writ petitioner was appointed as early as on 23.02.1996. If really the writ petitioner did not possess the eligibility to be appointed on compassionate grounds, she ought not to have been appointed at the first instance. Having appointed her and having allowed her to continue in service, it is not open to the appellants herein to question her initial appointment, after a lapse of more than fourteen years. Having appointed the respondent, the authorities are bound to regularise her service. The learned judge rightly allowed the writ petition. We find no ground to interfere in this writ appeal.

6.Therefore, this writ appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Elementary Education,
Chennai -6.
2. The District Elementary Educational Officer,
Trichirappalli,



3. The Additional Assistant Elementary
Educational Officer,
Lalgudi, Trichirappalli District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 71345
+ 1 CC TO Mr.V.PANNEER SELVAM, ADVOCATE IN SR No. 70816

DSK

TE/MR-KKR/SAR-I : 22/08/2017 : 3P/6C

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M.P.(MD) No.1 of 2015
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