



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.17081 of 2014

T.Bharathi

... Petitioner

Vs.

1. The Director of School Education,
DPI Campus,
College Road,
Chennai - 6.

2. The District Educational Officer,
Ramanathapuram Educational District,
Ramanathapuram,
Ramanathapuram District.

3. The District Elementary Educational Officer,
District Elementary Educational Office,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issue a Writ of Mandamus, directing the respondents to appoint the petitioner on compassionate ground in any suitable post commensurate with the qualification possessed by the petitioner with all monetary and service benefits.

For Petitioner : Mr.K.Sudalayandi
For Respondents : Mr.N.S.Karthikeyan,
Additional Government Pleader

ORDER

This Writ Petition is filed by the petitioner, for issuance of Writ of Mandamus, to direct the respondents to appoint the petitioner on compassionate ground in any suitable post commensurate with the qualification possessed by the petitioner with all monetary and service benefits.

2. The petitioner submitted that the petitioner's father died on 18.09.2000, while he was in service. The petitioner's sister gave a letter on 10.07.2004, requesting the respondents to give appointment to her brother, namely the petitioner, on compassionate ground and to record her no objection. Further the petitioner's mother and the petitioner submitted an application dated 20.07.2006, seeking appointment for the petitioner, on compassionate ground.



Though an application was under consideration all these years, no order has been passed. Hence the petitioner come before this Court with this Writ Petition in the year 2014.

3. Though the learned Counsel for the petitioner admitted that the application for appointment on compassionate ground was filed only in the year 2006, he pointed out that there was an order of ban, by which no appointment could be made between 29.11.2001 and 07.02.2006. With regard to this submission, the learned Additional Government Pleader fairly conceded and produced a copy of the Government Order vide G.O.Ms.No.42, Labour and Employment Department (Q1), dated 12.03.2007. By this Government Order, the Government has considered the issue and directed to extend the period for receiving the application for appointment on compassionate ground by three months from the date of issuance of the Government Order. In view of the ban order, for filling up the vacant post, which was in force from 29.11.2001 to 07.02.2006. The relevant portion of the Government Order, dated 12.03.2007 is extracted as follows:

"....7.The Government hereby extend the period for receiving application for appointment on compassionate grounds for three months from the date of issue of this order, considering the ban order on filling up vacant posts, which was in force from 29.11.2001 to 21.02.2006".

4. Considering the facts, that the application filed by the petitioner is pending and that the Government has issued a direction to extend the time limit, even beyond the date of Government Order, this Court is of the view that the application filed by the petitioner is well in time. Hence, this Court is inclined to direct the second respondent to consider the petitioner's application seeking appointment on compassionate ground purely on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition is disposed of. No Costs.

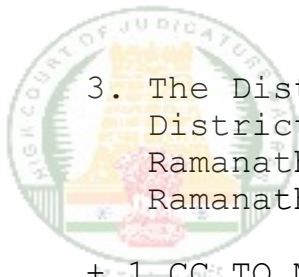
Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 6.
2. The District Educational Officer,
Ramanathapuram Educational District,
Ramanathapuram,
Ramanathapuram District.



3. The District Elementary Educational Officer,
District Elementary Educational Officer,
Ramanathapuram,
Ramanathapuram District.

+ 1 CC TO Mr.K.SUDALAIYANDI, ADVOCATE IN SR No. 59489

WEB COPY

CMR/GSP

TE/MR/SAR-III : 29/06/2017 : 3P/5C

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