



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Writ Petition (MD) No.1815 of 2015

H.Kavitha

... Petitioner

Vs.

1.The Registrar General,
Madras High Court,
Chennai.

2.The Hon'ble Principal District Judge,
Madurai District, Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating the proceedings of the respondent no.2 in proceedings no. nil dated 14.10.14 and quash the same as illegal consequently direct the respondent no.1 to provide compassionate appointment to the petitioner within a time frame as fixed by this Court.

For Petitioner : Mr.V.S.Karthi

For Respondents : Mr.D.Sivaraman

ORDER

(Order of the Court was made by **T.S. SIVAGNANAM, J**)

Challenging the order passed by the second respondent rejecting the petitioner's application for grant of appointment on compassionate ground on the ground that her mother who was working as Typist in the Principal District Court, Madurai, died in harness on 24.03.2013, the present writ petition has been filed.

2.The second respondent rejected her application primarily for two reasons stating that the petitioner's brother is working in the Police Department and the petitioner's father is employed in BSNL. Thus, on enquiry, it was found that the family of the petitioner is not in indigent circumstances.



3. Learned counsel for the respondents seeks to sustain the impugned order stating that the same is legally valid by referring the counter affidavit filed by the second respondent. He would further contend that the petitioner has enrolled as an Advocate and she is a member in Advocate Association, Madurai Bench of Madras High Court and Madurai Bar Association with Enrollment No. MS2192/2012 and therefore, she is able to make both ends meet.

4. Per contra, learned counsel for the petitioner would contend that there is no support from her husband and even on the date of death of her mother's demise, the petitioner is living separately and did not have any support from her husband. Therefore, it is submitted that the petitioner should be granted appointment on compassionate grounds.

5. After hearing the learned counsel for the parties and perusing the materials placed on record, it is seen that the writ petitioner is a legal practitioner in Madurai and she is a member of the Madurai Bar Association, Madurai Bench of Madras High Court and her Enrollment Number is MS.2192/2012. The second respondent has stated that the petitioner failed to disclose this fact in her application. That apart, it is stated that the petitioner's father was an employee in BSNL and her brother is also working in the Police Department. In the case of compassionate appointment, what was required to be seen is, as to whether, the family is in indigent circumstances, on the date on which demise of the employee, would be relevant for considering the same. In the instant case, the petitioner's mother died in harness on 24.03.2013. Admittedly, on the said date, the petitioner's father was employed and she was married and the family was not in indigent circumstances. That apart, she is a law graduate who has enrolled before the Bar Council of Tamil Nadu. Therefore, there is no error in the impugned order.

6. Learned counsel for the petitioner would contend that the petitioner continues to be in indigent circumstances and there is no support for her and for children.

7. All that we can only sympathise with the petitioner and in the absence of any error in the impugned order, no relief can be granted. Accordingly, this writ petition is dismissed, leaving it open to the petitioner, to apply for the posts if any called for by the Tamil Nadu Public Service Commission as when it advertises, to get employment. No costs.

Sd/-

Assistant Registrar(CSIII)

/True Copy/



TO

1.The Registrar General,
Madras High Court,
Chennai.

2.The Hon'ble Principal District Judge,
Madurai District, Madurai.

+1 CC TO MR.D.SIVARAMAN,ADVOCATE, SR NO.18485

+1 CC TO MR.V.S.KARTHI,ADVOCATE, SR NO.18978

sms

MAS/MR/SAR2:13.04.2017:3P-5C

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