



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.A.[MD].No.1238 of 2016

and

C.M.P. (MD) No.8256 of 2016

1. The Director of School Education,
DIP Campus, College Road,
Nungambakkam,
Chennai-600 006.
2. The District Educational Officer,
Srivilliputhur.
3. The Assistant Educational Officer,
Rajapalayam,
Virudhunagar.

: Appellants/Respondents 1 to 3

Vs.

T.Rajamani

: Respondent/Writ Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order of a learned Single Judge of this Court dated 07.03.2016, made in W.P.(MD).No.11260 of 2014.

Prayer in WP(MD). 11260/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 2nd respondent in Na.Ka.No.2554/Aa1/2013, dated 28.4.2014, quash the same, and consequently direct the respondents 2 and 3 to appoint the petitioner in any suitable post on compassionate ground, and pas such further or other orders as this Honble Court.

For Appellants : Mr.VR.Shanmuganathan,
Special Government Pleader

For Respondent : Mr.S.Mahalingam

**JUDGMENT**

मद्रास उच्च न्यायालय [Judgment of the Court was delivered by **R.SUBBIAH, J.**]

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This Writ Appeal has been filed as against the order passed by the learned Single Judge in the Writ Petition filed by the respondent herein in W.P.(MD)No.11260 of 2014, whereby and whereunder, the learned Single Judge has set aside the order passed by the second appellant and consequently, directed the appellants herein to consider the application of the respondent afresh and pass appropriate orders on merits and in accordance with law. Aggrieved over the same, the present Writ Appeal has been filed by the appellants.

2. The case of the respondent is that his father was working as an Office Assistant with the third appellant and he died in harness on 22.05.2008. The respondent made an application on 26.08.2010 requesting the third appellant herein to provide an employment on compassionate ground. He has also produced No Objection Certificate from his mother and brother. The said application was forwarded by the third appellant to the second appellant and due to certain administrative reasons, no order was passed. While so, on 31.07.2013, the District Elementary Educational Officer, Virudhunagar forwarded the said application to the second respondent, who in turn, rejected the application of the respondent on the ground that he has not attained majority. The said order was challenged in the Writ Petition.

3. The learned Single Judge, by order dated 07.03.2016, has allowed the Writ Petition stating that the only criteria that has to be considered while considering the case for compassionate appointment is that an application filed by the dependent of the deceased Government servant ought to have been made within three years from the date of death of the deceased Government servant. In the instant case, admittedly, application was made within three years by the respondent, who was minor on that date. However, on the date of passing of the impugned order, he has attained majority and hence, there is no impediment for the authorities to give an appointment on compassionate ground to the respondent. Challenging the same, the present Writ Appeal has been filed.

4. We have heard the learned counsel on either side and perused the materials available on record including the order passed by the learned Single Judge.

5. On perusal of the order passed by the learned Single Judge, we are of the opinion that the order passed by the learned Single Judge does not suffer from any infirmity warranting this Court to



make an interference. Hence, the Writ Appeal is dismissed confirming the order of the learned Single Judge dated 07.03.2016. The appellants are directed to consider the application of the respondent afresh and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this judgment. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

+1cc to Special Government Pleader, in SR.No.7232
+1 CC to Mr.S.Mahalingam, Advocate, SR NO:6651

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JUDGMENT MADE IN
W.A. (MD) No.1238 of 2016
07.02.2017