



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**

W.P.(MD) No.1162 of 2017

N.Sivapriya : Petitioner

-vs-

1.The Principal District Judge,
Tirunelveli.

2.The District Munsif cum Judicial Magistrate,
Senkottai,Tirunelveli District. : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in connection with the impugned order passed in A.No.532/2016 dated 03.10.2016 and quash the same and consequently, direct the 1st respondent to appoint the petitioner in a suitable post on compassionate ground based on her educational qualification within the time limit that may be stipulated by this Court.

For Petitioner : Mr.D.Srinivasa Ragavan
For Respondents : Mr.Pala.Ramasamy

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.D.Srinivasa Ragavan, learned counsel for the petitioner and Mr.Pala.Ramasamy, learned panel advocate for the respondents.

2.The petitioner, who is the daughter of Natchalingam, who was erstwhile employed with the respondents, is before this Court, challenging the order passed by the first respondent dated 03.10.2016, rejecting the petitioner's application for appointment on compassionate ground. The first respondent has rejected the application on the ground that the petitioner has applied after ten years of the demise of the employee.

<https://hcservices.courts.gov.in/hcservices/>
3.The facts are not in dispute. The petitioner's father died in harness on 01.01.2000. At the time of his demise, the



petitioner was only 2-1/2 years of age. The petitioner's mother applied for appointment on compassionate ground in March 2001. However, it is not known as to what happened to the said application. But, on 07.04.2002, the petitioner's mother died. The petitioner and her sister were under the care and custody of her maternal grand parents, who have provided them education and as of now, the petitioner has completed 12th standard. The reason assigned by the first respondent for rejecting the application is perfectly legal and valid and is inconsonance of the decisions of the Hon'ble Supreme Court.

4.All that we can do is convey our sympathy to the petitioner, but, cannot grant any relief in the writ petition. Accordingly, this writ petition is dismissed. However, the dismissal of the writ petition will not prevent the petitioner from registering her name in the employment exchange and apply for any post, which may be advertised by the first respondent to fill up the vacancies that made arose. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

1.The Principal District Judge,
Tirunelveli.

2.The District Munsif cum Judicial Magistrate,
Senkottai, Tirunelveli District.

+1cc to M/S.D.Srinivasa Ragavan, Advocate SR.No.18243

W.P. (MD) No.1162 of 2017
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JM/KP/SAR 3/06.04.2017/2P/4C