



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No. 695 of 2017

and

C.M.P. (MD) No. 5412 of 2017

1. The District Educational Officer,
Cheranmahadevi, Tirunelveli District.
2. The Additional Assistant Elementary Educational Officer,
Kadayam,
Tirunelveli District. : Appellants/Respondents

Vs.

P.Suresh : Respondent/Writ Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 18.03.2015, made in W.P. (MD) .No.13336 of 2014.

Prayer in WP(MD). 13336/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus, to call for the records of the Impugned order of the 1st respondent in Moo. Mu. No. 1965/A1/2014 dated 19.06.2014 and quash the same and direct the respondents to provide employment on compassionate appointment to the petitioner.

For Petitioner : Mr.V.R.Shanmuganathan
Special Government Pleader
For Respondents : Mr.H.Arumugam

O R D E R

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

This appeal is directed against the order in W.P.(MD).
No.13336 of 2014 dated 18.03.2015.



2.The respondent herein, challenged the order passed by the first appellant dated 19.06.2014, by which the application given by the respondent for granting appointment on Compassionate Ground was rejected on three grounds. Firstly, the respondent was running a medical shop. Secondly, his brother was employed. Thirdly, his father was receiving pension.

3.The employment of the brother or the father receiving pension is no ground to deny Compassionate Ground appointment to the petitioner, which he claims on account of demise of his mother who died in harness while functioning as a Head Mistress of a Middle School. With regard to the allegation that the respondent was running a medical shop, the learned Single Judge, found that there is no record to substantiate the same and in the Counter affidavit, a specific denial of the said allegation has not been made. The learned single Judge, took into consideration the decision in the case of **B.Jayakumar Vs. Bharat Sanchar Nigam Ltd., BSNL** reported in **2007(6) MLJ 1293**, for allowing the writ petition.

4.The facts are somewhat identical to the case on hand. Thus, we find no good grounds to entertain this appeal. Hence, this Writ Appeal is dismissed. The directions issued by the Writ Court should be complied with within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Educational Officer,
Cheranmahadevi, Tirunelveli District.
2. The Additional Assistant Elementary Educational Officer,
Kadayam,
Tirunelveli District.

+1cc to Mr.H.Arumugam, Advocate Sr.No.60789

MR/TSG

VB/JC/SAR2/28.06.2017/2P/4C

**W.A. (MD) No.695 of 2017
and**

**C.M.P. (MD) No.5412 of 2017
15.06.2017**