

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.1329 of 2017

Arangu. Thirumavalavan ... Appellant

-vs-

- 1.The Secretary to Government,
Education Department,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai.
- 3.The District Educational Officer,
Office of the District Education,
Dharmapuri.
- 4.The Headmaster,
Government Higher Secondary School,
B.Agraharam, Dharmapuri. ... Respondents

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.34659 of 2016 dated 09.08.2017.

WP.No.34659 of 2016:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus or any other appropriate writ, order or direction in the nature of writ to call for the records in Na.Ka.No.6054/A1/2015 dated 19.11.2015 the 3rd respondent District Education Officer and quash the same and direct the 2nd respondent and 3rd respondent to receive the application of the petitioner for appointing the petitioner on compassionate

For Appellant :: Mr.AR.L.Sundaresan,
Sr.Counsel for
Mrs.AL.Gandhimathi

For Respondents:: Mr.C.Munusamy, Spl.GP (Edn.)

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

The appellant herein filed a writ petition in W.P.No.34659 of 2016 challenging the order of rejection dated 19.11.2015 passed by the third respondent rejecting the claim of the appellant for compassionate appointment. Relying upon the judgment of a Division Bench of this Court in the case of The Inspector General of Prisons v. P.Marimuthu, reported in 2016 (5) CTC 125, this Court held that the prayer of the appellant for compassionate appointment cannot be considered after a lapse of about 16 years from the date of the death of the appellant's father, and that the ground of indigent circumstances raised at the relevant point of time has been vanished.

2.The learned senior counsel appearing for the appellant has submitted that the question as to whether the appellant is in indigent circumstances or not, has not been verified by the Department.

3.The learned Special Government Pleader appearing for the respondents has submitted that the impugned order passed by the learned single Judge does not require any interference, since the learned Judge has relied upon the well considered judgment of this Court with regard to the issue on hand, while passing the order.

4.Heard the learned counsel on either side and perused the materials available on record.

5.Taking note of the submission made by the learned senior counsel for the appellant as regards the question as to whether the appellant is in indigent circumstances or not has to be verified, this Court is of the view that the said point has to be properly verified before coming to the conclusion that the appellant is not entitled for compassionate appointment. Considering the facts and circumstances of the case, we deem it appropriate to direct the learned Special Government Pleader appearing for the respondents, to direct the concerned Department to verify as to whether the appellant is in indigent circumstances and if it is so, the authorities shall exercise

their discretion to extend the benefit of compassionate appointment to the appellant, in accordance with law. If the appellant's family is not in indigent circumstances, the authorities shall take appropriate decision in accordance with law.

6.The writ appeal is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Education Department,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai.
- 3.The District Educational Officer,
Office of the District Education,
Dharmapuri.
- 4.The Headmaster,
Government Higher Secondary School,
B.Agraharam, Dharmapuri.
- 5.The Special Government Pleader
Education High Court Madras

+1 cc to Mrs.AL.Ganthimathi Advocate sr 27925

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