

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 10.12.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 16647 OF 2018

T.Bhuvanashankari

.. Petitioner

- Vs -

1. The Principal Secretary
Personnel & Administrative
Reforms Department
Fort St. George, Chennai 600 009.

2. The Director of School Education
DPI Compound
College Road, Chennai 600 006.

3. The Chief Educational Officer
Salem 636 001.

4. The Principal Secretary
Highways Department
Fort St. George, Chennai 600 009.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 1st respondent to transfer the petitioner's files relating to appointment on compassionate ground from respondents 2 and 3 to the 4th respondent as per the petitioner's representation dated 23.4.18.

For Petitioner : Mr. M.Thamilzhavel

For Respondents: Mr. A.N.Thambidurai, SGP for RR-1 to 4

ORDER

The petitioner's mother, Kumutha, who was working as Post Graduate Assistant in Government Higher Secondary School at Dharapuram, Salem District, expired on 8.11.2016 while in service. The petitioner's father, Thennarasu, made representation dated 10.8.17 to the District Educational Officer, Salem District, seeking appointment for the petitioner on compassionate grounds. Since the 2nd respondent did not consider the representation dated 10.8.17, writ petition was

preferred in W.P. No.8461/2017, which was dismissed by the learned single Judge on the ground that the income certificate of the father of the petitioner, who is employed, has not been produced. Against the said order, W.A. No.653/2017 was preferred which was disposed of by the Division Bench with a direction to consider the income certificate and pass orders in accordance with law.

2. Subsequent to the order passed in the writ appeal, the petitioner submitted a representation to respondents 2 and 3 along with a copy of the order passed in W.A. No.653/2017. However, respondents 2 and 3 informed the petitioner that she being a B.E. Civil Engineering Graduate, there being no suitable post for appointment in the Education Department, the petitioner was directed to approach the 1st respondent to get suitable orders for being considered for appointment in the Highways Department. It was further informed that respondents 2 and 3 are ready to send the files to the Highways Department for consideration. In view of the above, the petitioner submitted a representation dated 24.3.18 to the 1st respondent seeking to transfer the records on the file of respondents 2 and 3 to the file of the 4th respondent. Since, no orders have been passed on the said representation, the present petition has been filed.

3. Mr.A.N.Thambidurai, learned Special Government Pleader takes notice for the respondents and submits that this Court may direct the 1st respondent to consider the representation and pass orders.

4. In view of the limited relief sought for, this Court is of the view that it would suffice to direct the 1st respondent to consider the representation submitted by the petitioner within a particular time frame.

5. In the above circumstances, this writ petition is disposed of directing the 1st respondent to consider the representation dated 23.4.2018, submitted by the petitioner and pass orders thereon, and in addition to order passed by the Division Bench of this Court in W.A. No.653/2017, within a period of four weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

GLN

To

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+1cc to Mr.M.Thamizhavel, Advocate SR.No.85205

+1cc to Government Pleader SR.No.85855

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VD(CO)
GMY(30/01/2019)



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