

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.10.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26138 of 2017
W.M.P.No. 27778 of 2017

T.Vasanthan

..

Petitioner

vs

1. The Director of School Education,
D.P.I. Building,
College Road, Nungambakkam,
Chennai - 600 006.

2. The District Education Officer,
Thiruvarur,
Thiruvarur District - 610 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for records relating to Mu.Mu.No.3156/A1/2013 dated 08.06.2017 subsequent order A.T.Mu.No.4582/A1/2017 dated 03.07.2017 passed by the 2nd respondent and quash the same as illegal improper, arbitrary and thereby direct 2nd respondent to provide employment to the petitioner for compassionate appointment in any suitable post.

For Petitioner : Mr.D.Charles Muthu Santhan
For Respondents : Mr.P.Raja
Government Advocate

O R D E R

The order of rejection dated 29.06.2017, issued by the respondent rejecting the claim of the writ petitioner for compassionate appointment on the ground that the family of the writ petitioner was not in indigenous circumstances, is under challenge in this writ petition.

2. The learned counsel for the writ petitioner states that the father of the writ petitioner Mr.Thiruselvan, was employed as an Office Assistant in the Government High School at Arithuvara Mangalam, Thiruvarur District and passed away on 18.01.2003, while he was in service. On account of sudden demise

of the father of the writ petitioner, the family was in penurious circumstances.

3. The learned counsel for the writ petitioner states that the elder brother of the writ petitioner was looking after the family, after the death of his father and he got married in the year 2009. Thereafter, elder brother of the writ petitioner leaving the family and residing separately. Thus, the family of the writ petitioner after the year 2009, was in indigenious circumstances and accordingly, he is entitled for compassionate appointment. The application seeking compassionate appointment was submitted on 02.06.2003 by the writ petitioner. However, the order of rejection was passed after a lapse of 14 years on 08.06.2017.

4. This Court is of an opinion that the deceased employee passed away on 18.01.2003 and admittedly, the family was maintained by the elder brother of the writ petitioner till the year 2009. It is further contended that the writ petitioner is a bachelor and unable to settle, on account of his unemployment. Thus, the personal situations, now raised cannot be a ground to provide appointment on compassionate grounds. The writ petitioner has to participate in the open competitive process for securing public employment. Contrarily, for the purpose of securing public employment, persons cannot be allowed to cite all such flimsy reasons. If public employments are provided on these reasons, then, the constitutional rights of all such meritorious and eligible candidates, who are all longing for public employment will be infringed. All appointments are to be made only by following the procedures contemplated under the Rules in force.

5. In view of the fact that the deceased employee was passed away on 18.01.2003, the family of the writ petitioner was being maintained by the elder brother of the writ petitioner till the year 2009. The reasons given in the impugned order that the family of the writ petitioner is not in indigenious circumstances, is in accordance with the procedures contemplated. Thus, there is no infirmity as such in the order of rejection.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

pns

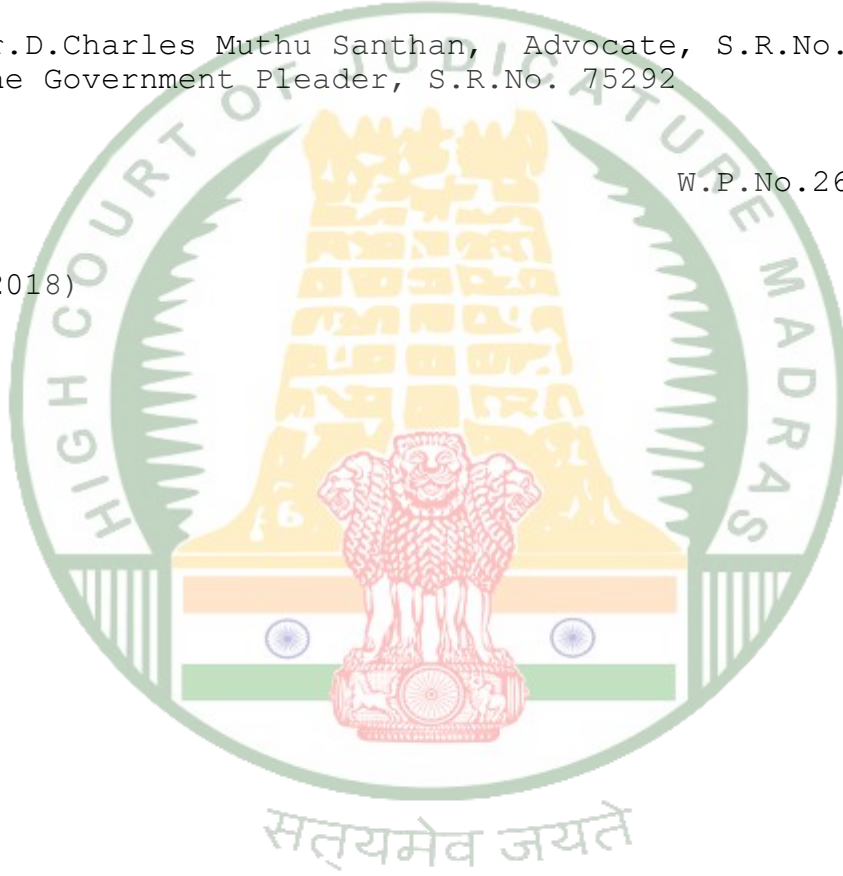
To

1. The Director of School Education,
D.P.I. Building,
College Road,
Nungambakkam,
Chennai - 600 006.
2. The District Education Officer,
Thiruvarur,
Thiruvarur District - 610 001.

+1cc to Mr.D.Charles Muthu Santhan, Advocate, S.R.No. 74070
+1cc to the Government Pleader, S.R.No. 75292

W.P.No.26138 of 2017

VGI (CO)
GN (22/11/2018)



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