



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2018

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.13898 of 2014

and

M.P.(MD)No.1 of 2014

V.Rajamani

... Petitioner

Vs.

1. The District Education Officer,
O/o. The District Education Officer,
Karur-639 007.

2. The Head Master,
Government Higher Secondary School,
Kaaniyalampatti Post, Kadavur,
Karur District-621 301.

3. The Secretary,
School Education Department,
Secretariat, Chennai.

4. The Director of School Education,
D.P.I.Campus, College Road,
Chennai-6.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 1st respondent dated 30.06.2014 in proceedings in அ.தி.மு.எண்.3237/அ1/2014 and quash the same and consequently directing the respondents to appoint me in any of the post on compassionate grounds in place of the death of my husband M.Ravichandran within the stipulated time.

For Petitioner : Mr.R.Lakshmanan

For Respondents : Mrs.S.Srimathy
Special Government Pleader

O R D E R

The petitioner has come forward with the present writ petition to quash the proceedings of the 1st respondent dated 30.06.2014 in proceedings in அ.தி.மு.எண்.3237/அ1/2014 and consequently to direct the respondents to appoint the petitioner in any of the post on compassionate grounds.



2.It is the case of the petitioner that the husband of the petitioner was working as Sweeper at the fourth respondent school and died on 14.01.2014. Hence, the petitioner / wife applied for compassionate appointment on 17.06.2014. The request of the petitioner was rejected on the ground that the petitioner's husband was appointed only on time scale of pay as temporary servant as no rules have been framed to regularize the same. Challenging the same, the petitioner has filed the present writ petition.

3.The learned Special Government Pleader appearing for the respondents would submit that there are no rules governing compassionate appointment, for the persons, who are employed at the respondent office on temporary basis and the case of the petitioner cannot be considered and hence, the application of the petitioner for compassionate appointment was rejected.

4.On a perusal of the document, it is very clear that the petitioner's husband was appointed as Sweeper on temporary basis in a special time scale of pay. Hence, in the absence of any rules, the petitioner's request for compassionate appointment cannot be considered. Even though the application was made within a period of six months from the date of death of the Government Servant, unless there are no specific rules or guidelines governing appointment on compassionate ground to the legal heir of the deceased Government servant, who was appointed on a special scale of pay, the request of the petitioner cannot be considered.

5.The Hon'ble Supreme Court has also held in number of cases that the compassionate appointment cannot be claimed as a matter of right. Hence, the impugned order rejecting the request of the petitioner cannot be interfered with. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The District Education Officer,
O/o. The District Education Officer,
Karur-639 007.

2. The Head Master,
Govt. Higher Secondary School,
Kaniyalampatti Post, Kadavur,
Karur District-621 301.



3. The Secretary,
School Education Department,
Secretariat, Chennai.

4. The Director of School Education,
D.P.I.Campus, College Road,
Chennai-6.

+1cc to Spl.Government Pleader Sr.No.82488

TA

VB/SV/SAR2/20.11.2018/3P/6C

W.P. (MD) No.13898 of 2014
04.09.2018