



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.19346 of 2014

N.Thangam

... Petitioner

Vs.

The District Collector,
Thoothukudi District,
Thoothukudi.

...Respondent

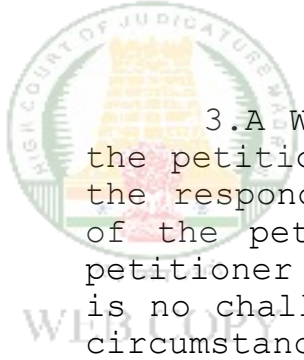
Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to give employment to the petitioner's son viz., Senthur Arivalagan on compassionate ground considering the petitioner's representation dated 01.11.2014.

For Petitioner : Mr.V.Malaiyendran
For Respondent : Mr.J.Gunaseelan Muthiah
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner's husband died on 04.02.2004, when he was in service. The petitioner gave an application on 15.02.2006 seeking an appointment on compassionate grounds for herself. Subsequently, on 04.05.2006 she gave one more application requesting the respondent to issue order of compassionate appointment in favour of his son Senthur Arivuselvan. The said application was rejected by order dated 15.10.2010, on the ground that the said Senthur Arivuselvan, who was born on 20.06.1989 was a minor. The said order of rejection dated 15.11.2010 was not challenged. It has become final. Subsequently, the petitioner gave one more application dated 08.08.2011, the respondent by communication dated 22.08.2011 informed the petitioner that the report had been submitted to the Government in this regard. Thereafter, the petitioner submitted one more representation dated 01.11.2014. Since it was not considered, the present writ of Mandamus has been filed.



3.A Writ of Mandamus can be issued only if the legal right of the petitioner has been violated or if the statutory duty cast upon the respondent has not been discharged. In this case, the request of the petitioner was rejected as early as on 15.11.2010. The petitioner ought to have questioned the same, but, till date, there is no challenge to the order of rejection dated 15.11.2010. In the circumstances, the question of considering the representation of the petitioner will not arise. There is no merit in this writ petition.

4. In view of the above, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Thoothukudi District,
Thoothukudi.

+ 1 CC TO Mr.V.MALAIYENDRAN, ADVOCATE IN SR No.40618
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.40530

TSG

RJ/PN/SAR-2 : 11/07/2018 : 2P/4C

W.P. (MD) No.19346 of 2014
04.01.2018